

## Charles, Lord Stourton, and the Murder of the Hartgills.

By the Rev. CANON JACKSON, M.A., F.S.A.

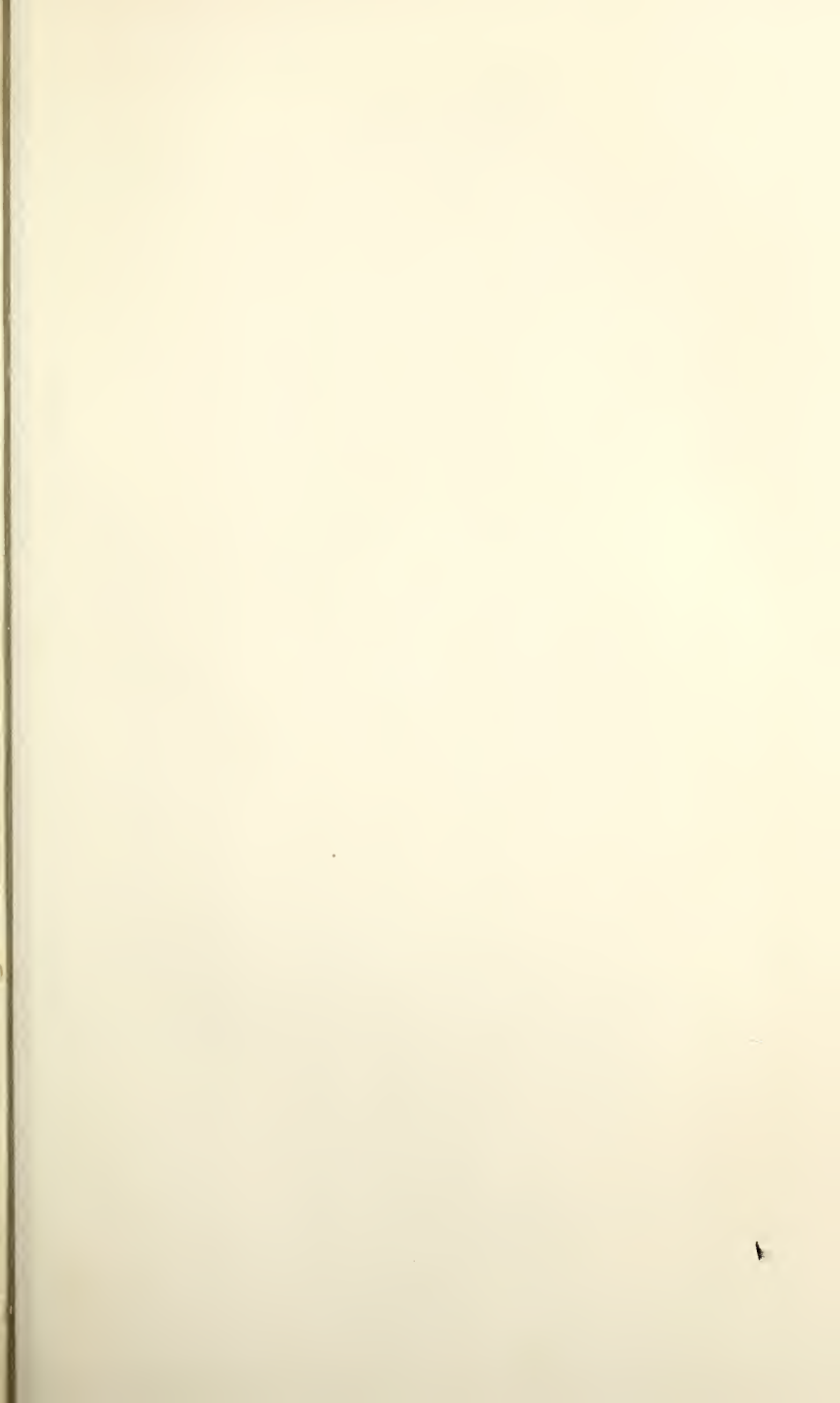
**T**HE Narrative of the Murder of William and John Hartgill (father and son) of Kilmington in the County of Somerset, by Charles Lord Stourton of Stourton, co. Wilts, in the year 1557, has been printed several times. It is to be found in Strype's Memorials of Queen Mary's reign,<sup>1</sup> Sir R. C. Hoare's Modern Wiltshire,<sup>2</sup> Phelps's History of co. Somerset,<sup>3</sup> and Bayley's History of the Tower of London.<sup>4</sup> In all these the narrative is one and the same, being that of Strype who copied it from one of Fox's Manuscripts, substituting the language of his own day (1721) for that of the document itself. Fox's manuscript (or perhaps an ancient copy of it in two parts) composed soon after the Murder, is in the Library of the British Museum. It has been now disinterred, and is once more presented to the public, (but this time in the original phraseology,) in consequence of the recent discovery of several papers coeval with, and illustrative of the story. These consist of:—

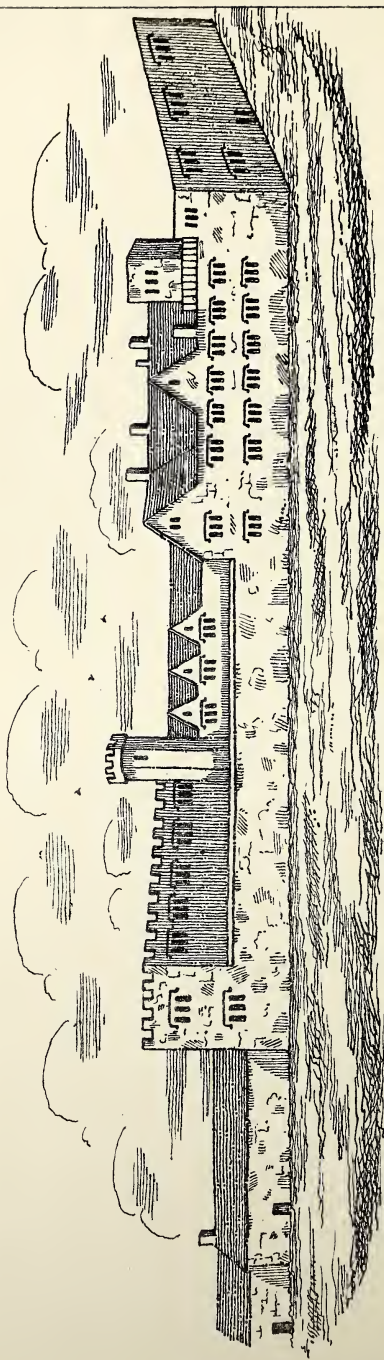
1. Some Original Letters written both by Lord Stourton and W. Hartgill, and by others their neighbours and partisans. These letters have been found among the Marquis of Bath's family documents at Longleat, and are now published by his Lordship's kind permission. Being chiefly written before the murder they of course do not mention it, but they contain many curious particulars of the

<sup>1</sup> Edit: 1721, vol. iii., p. 367. Edit: Oxford 8vo., 1822, vol. iii., part 1, p. 592.

<sup>2</sup> History of Mere, p. 252.      <sup>3</sup> Vol. i., part 2, p. 178.

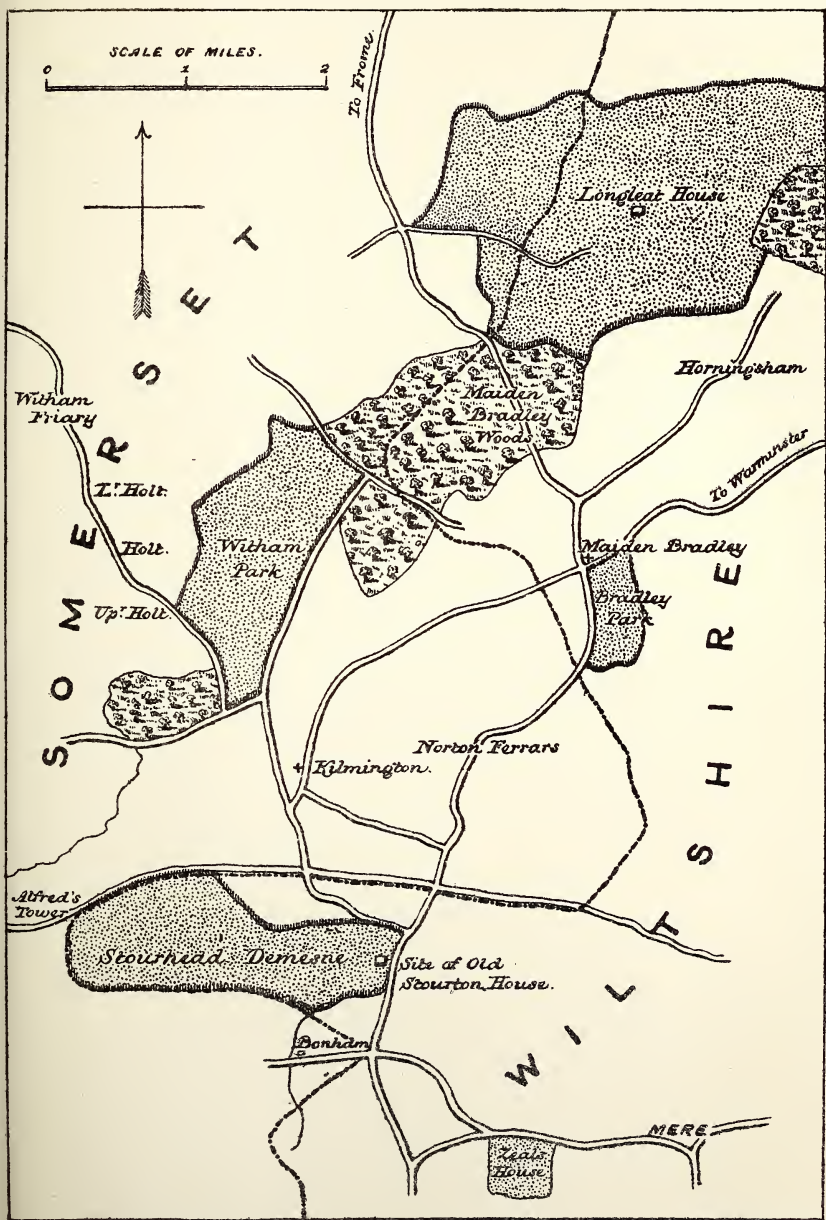
<sup>4</sup> P. 454. There is also a summary of the story at p. 87 in the Gentleman's Magazine for the year 1790, in which year the public attention was called to the case of the murder of his steward by Lawrence, Earl Ferrers.





THE SOUTH PROSPECT OF OLD STOURTON HOUSE

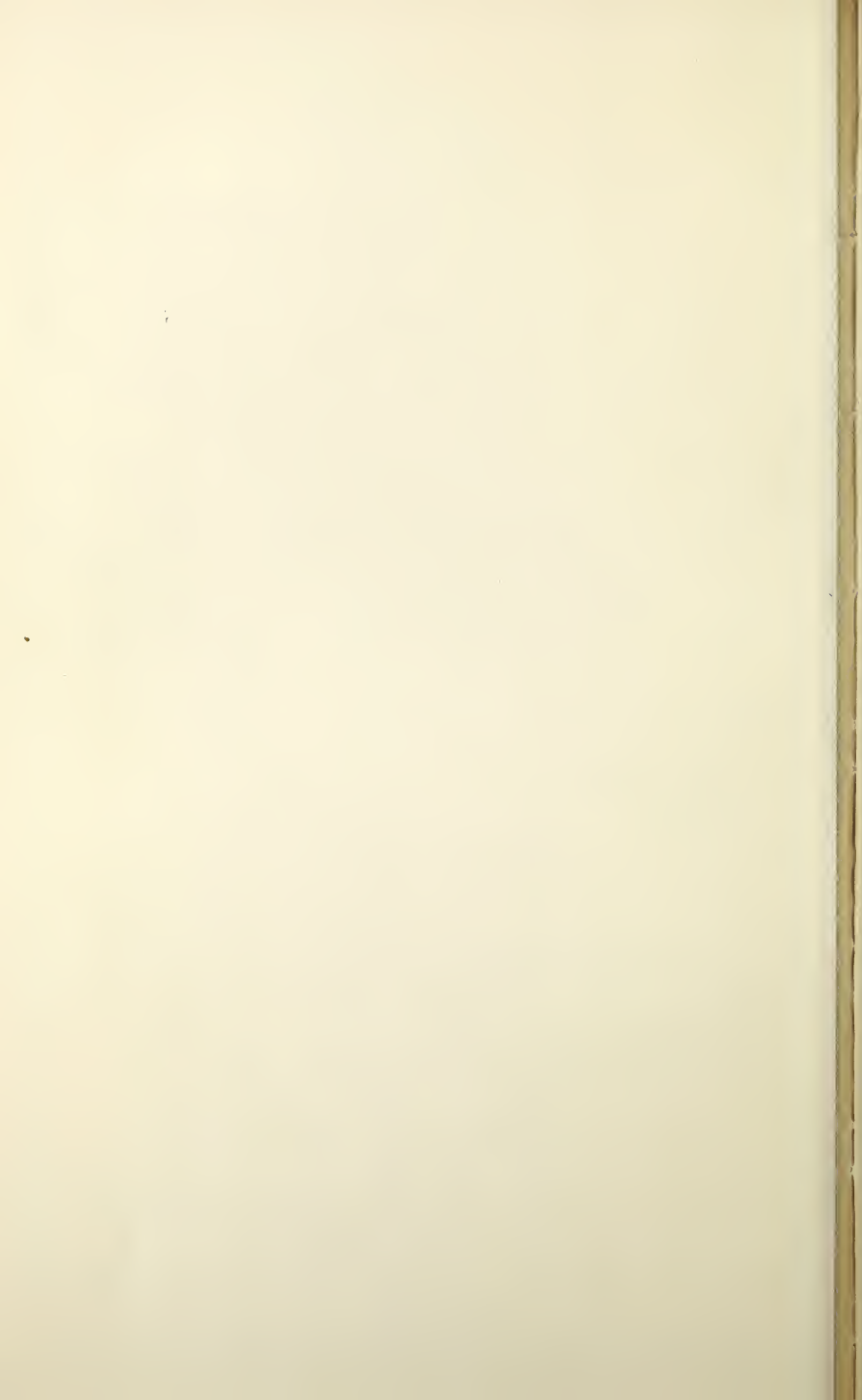
*Fac-simile of a rude sketch made by John Aubrey, A.D. 1674.*



Edw. Hble, architect

PLAN OF THE NEIGHBOURHOOD OF STOURTON & KILMINGTON.





previous conduct of the parties towards one another, and, so far, help to throw considerable light upon the whole transaction.

2. Official Papers from the Public Record and State Paper Offices. These supply undeniable evidence of the truth of the facts in the Narrative, and many other circumstances of the case hitherto unknown.<sup>1</sup>

A short general account of the places and persons to be referred to may be useful to make the Narrative more intelligible.

On the borders of Somerset and Wilts lie the two contiguous parishes of Kilmington and Stourton, Kilmington being in the former, Stourton in the latter county. The history of Kilmington will be introduced presently. The manor of Stourton used anciently to be held under that of Castle Cary in co. Somerset, and in the 14th century it was so held by the Fitz Payne family from whom it was called Stourton Fitz Payne. The family who adopted their name from the place were resident there in remote times, but they do not appear to have become owners of the manor until about the reign of Henry VI. In the sixth year of that reign a License was granted to John de Stourton to enclose a park of 1000 acres. A curious large house was erected, a representation of which (made up from the annexed rude outline by John Aubrey) is given in the Wilts Arch. Mag., vol. i., p. 194. It stood a little in front of the present mansion of Stourhead. By fortunate marriages, first with the heiress of Moigne, and afterwards with the heiress of Chidiok, the Stourtons obtained large possessions in Gloucestershire, Wilts, Somerset and Dorset.

John Stourton the first Baron died in 1462 (2 Edw. IV.) His great grandson William, 6th Baron Stourton married Elizabeth<sup>2</sup> daughter of Edmund Dudley, and sister of John Dudley, Duke of Northumberland, by whom he had CHARLES his eldest son and heir

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<sup>1</sup> For assistance in searching for these, and in unravelling some of the difficulties attending them, the writer is indebted to Mr. Clarence Hopper, of No. 1, Albert Place, Denmark Road, Camberwell.

<sup>2</sup> In Sir R. C. Hoare's pedigree (Mere p. 48) she is said to have been, when William Lord Stourton married her, the widow of his younger brother Peter, but Edmondson's pedigree does not notice this irregularity.

(the subject of this Memoir), five other sons, and two daughters, Ursula who married Edward Lord Clinton, and Dorothy who married Sir Richard Brent. William Lord Stourton is stated in some pedigrees (as in Sir R. C. Hoare's) but not in Edmondson's and others, to have married a second wife, Mistress Agnes Ryce, daughter of the Countess of Bridgewater. Who these ladies were and whether this was a real marriage or not, we shall have occasion to consider at some length by and by.

About the year 1541 William Lord Stourton purchased of Walter Devereux Lord Ferrers all his lands in the co. of Somerset, and among them Norton Ferrers in the parish of Kilmington which adjoins the parish of Stourton. The Letter in which, with an old-fashioned courtesy, Lord Ferrers takes leave of his family property forms Document No. 17.

William Lord Stourton being much employed towards the end of his life in Henry the 8th's Expedition to France, left his estates under the sole management of William Hartgill; and died about the month of October 1548.

CHARLES LORD STOURTON 7th Baron, his eldest son and heir by Elizabeth Dudley, married Anne daughter of Edward Stanley 3rd Earl of Derby.

For the convenience of reference, a Tabular Pedigree is annexed shewing a few generations of the Stourton Family and their connexion with various persons whose names will occur in the course of this memoir.

The other *dramatis personæ* were the Hartgills. This name, in the person of Edward Hartgill, appears once in the list of Sheriffs for co. Somerset A.D. 1479: and twice in that for Wilts, A.D. 1477 and 1484. He was also M.P. for New Sarum: and is presumed to have been ancestor of the Hartgills of Kilmington, William the father and John his son, to whom the present story refers. William was a landed proprietor and is described as Esquire. Of his antecedent history nothing is known, except that (as above-mentioned) he acted for many years as Steward of the estates of William Lord Stourton. The house in which he is said to have lived at Kilmington, N.W. of the Church, was taken down long ago. There are





*Edw. Kite, phot. et aenatrat.*

# KILMINGTON CHURCH, CO: SOMERSET.

- a. The Tower chamber in which the Hartgills were confined.*
- b. The Church-house mentioned in the Narrative of the Murder.*



# STOURTON.

Margaret.

th Ryce=Lady Catharine Howard,=2. Henry Daubeney,  
 e ap 7th child of Thomas, 2nd cr. Earl of Bridge-  
 K.G. of Duke of Norfolk, water, 1538 Died  
 tle, co. " Countess of Bridge- 1548, S.P.  
 oke. water."

Mary,  
 S.P.

Dorothy. 1. Richard Gore= Mary =2. George Wroughton  
 of Alderton, Esq. Stourton, Esq., died 29th Jan.,  
 (She was his 2nd bur. at 1627, bur. at Little  
 wife, mar. 1565.) Alderton, Somerford, Wilts.  
 Died 18 Nov., 4 Jan.,  
 1583. 1620.

From whom their  
 great-grandson,  
 Thomas Gore,  
 Esq.

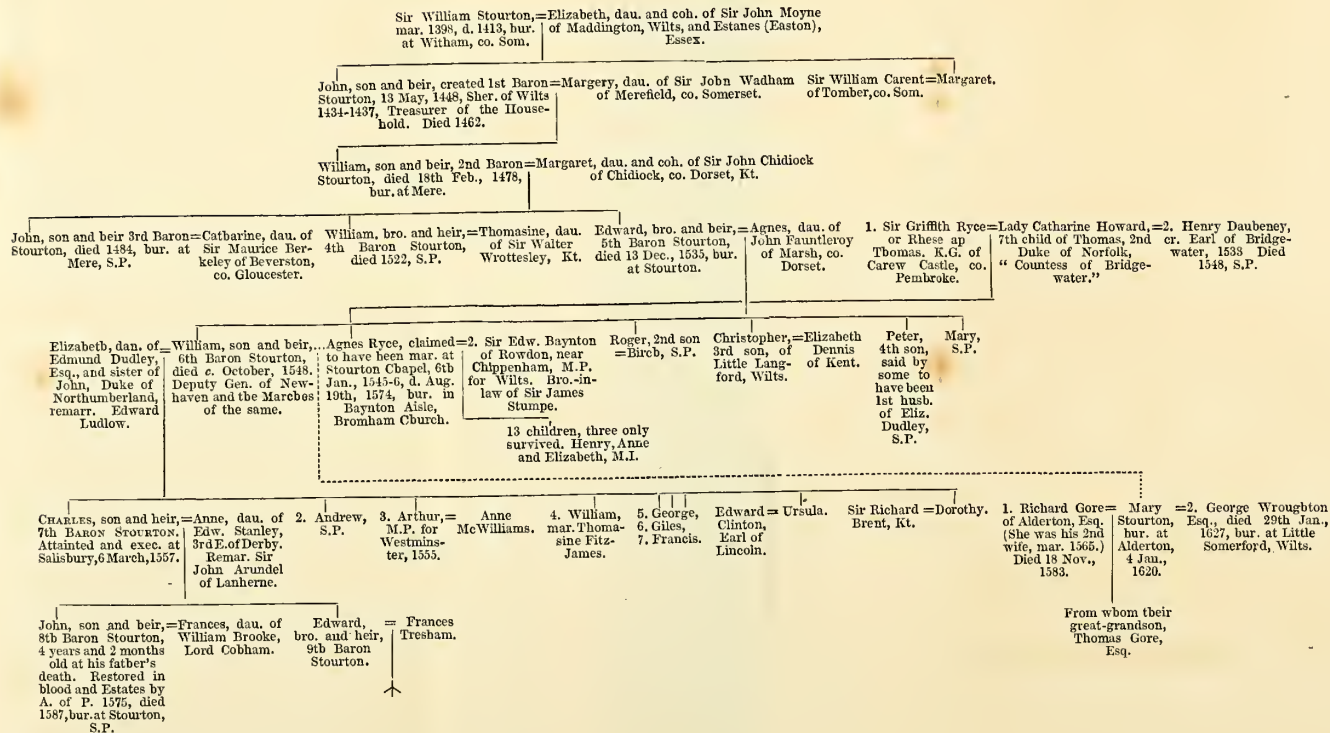


Edw. Kite, phot. et. anastat.

# KILMINGTON CHURCH, CO: SOMERSET.

- a. The Tower chamber in which the Hartgills were confined.
- b. The Church-house mentioned in the Narrative of the Murder.

# EXTRACT FROM THE PEDIGREE OF STOURTON.





*a*

*b.*

two tombs in the church-yard, and one small mural tablet in the church, but all to later members of the family. In the Register are forty entries of his legitimate descendants, the last of whom, a female, was baptized in 1760.

### NARRATIVE OF THE MURDER.<sup>1</sup>

“Leaf No. 36. *The murder of Mr. Hartgil committed by Charles Lord Stourton.*

In the tyme of kynge Edward the VIth William Lord Stourton havyng charge of one of the kynges peces<sup>2</sup> nygh Bullen dyed, shortly after whose death Charles Lord Stourton sonne and heyre of the sayd Lord William Stourton came to Kylmyngton in the countye of Somerset to th’ouse of one William Hartgyll Esquier where Dame Elizabeth late wyff to the sayd Lord William and mother to the sayd Lord Charles Stourton did sogorn, and then and there was earnestly in hand with the sayd William Hartgyll to be a meane unto the sayd Dame Elizabeth that she shuld enter in to band to hym the sayd Lord Charles in a great some of money, that she shuld never marrye, whiche the sayd William Hartgyll refused to do onlesse the sayd Lord Charles Stourton woold assign owt some good yerely portion for hys sayd mother to lyve uppon. Discoursynge of thys matter the sayd Lord Charles Stourton fell utterly owt with the sayd William Hartgyll, and shortly after uppon a Wytsonday in the mornynge the sayd Lord Charles Stourton came to Kylmyngton churche with a great many men with bowes and gunnes, and when he came almost to the churche dore, John Hartgyll sonne of the sayd William Hartgyll, being a tall lusty gentleman, beyng told of the sayd Lord Stourtons cummynge, went owt of the churche and drew his swerd and ranne to hys fathers house adjonyng fast to the churche yard syde. Diverse arrowes were

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<sup>1</sup> From Harl. MS. 590, ff. 76, 76b.

<sup>2</sup> In Sir R. C. Hoare’s *Modern Wilts* this is wrongly printed, “having *charged* one of the King’s pieces,” leading the reader to suppose that William Lord Stourton’s death was caused by the bursting of a piece of ordnance. “Peece” (from the Spanish) is an obsolete word used by Spenser and Speed for a *Castle* or other fortified building. See Todd’s *Johnson’s Dictionary*.



shott at hym in hys passynge but he was not hurt. Hys father the sayd William Hartgyll and hys wyff beyng old folkes were dryven to go upp in to the towre of the churche with towre or thre of theyr servauntes for save gard of theyr lyves. When the sayd John Hartgill was come in to hys fathers house, he toke his longe bowe and arrowes and bent a crosse bowe and charged a gonne and caused a woman to carry the crosse bowe and gonne after hym, and hymself with hys longe bowe came foorth and drave away the sayd Lord Charles and all his men from the house and from aboute the churche. So that not one of all the cumpany taryed, savynge half a score that were entred in to the churche, emongist whome one was hurt with hayle shott in the shulder by the sayd John Hartgill. And when all that were abroed were fledd, the sayd John Hartgyll axed hys father what he shuld do? Unto whom hys father answered and sayd "Take your horsse and ryde upp to the Court and tell the honorable Cuncell how I am used." Wheruppon when the sayd John Hartgyll hadd taken order to provyde meat and dryncke to be pulled upp in to the Towre of the churche to releve them that were there, he rode away, and the Mundaye toward evenynge he told the honorable Cuncell how hys father was delt withall: wheruppon they send downe Sir Thomas Speake, Knyght, then high Sheryff of Somerset not only to delyver the sayd captyves but also to brynge up with hym the sayd Lord Charles Stourton: whom, when he came, the sayd honorable Cuncell commytted to the Flete where he taryed not longe. Yt ys to be remembred that assone as John Hartgyll was rydden toward London to th'onorable Cuncell, the Lord Stourton's men retorned to the churche of Kylmyngton, and aboute Hartgills house agayn, and so contynued untill the comynge down of the sayd Sheryff whiche was the Weddensday in the Wytson weke, duryng all whiche tyme the sayd William Hartgill and hys men were kept in the churche Towre. Mary, the sayd Hartgylles wyff, was permytted to go whome the Wytsondaye toward nyght. In thys meane tyme the sayd Lord Stourton's men went to a pasture of the sayd Hartgilles and there toke upp hys own rydinge geldynge, beyng then well woorth eight poundes, and caryed hym to Stourton parke pale and there shott hym with a

crosse bowe and kylled the geldynge, noysynge abroed that the sayd William Hartgill hadd that nyght bene huntynge in the sayd parke uppon the geldynge. Thus the sayd Lord Stourton continued his mallice styll duryng all kynge Edward's regn and with violence and force toke from the sayd William Hartgyll all the corn and catall that he could any way come bye whiche were the sayd Hartgilles. When kynge Edward was dedd the sayd William Hartgill and John hys sonne made humble sute to Quene Marye hyr honorable Councell for some redresse, hyr majestie lyinge then att Basyng in Hamshyre; whiche sayd Councell called the sayd Lord Stourton and the sayd William Hartgyll before them and there the sayd Lord Stourton promysed that yf the sayd William Hartgill and hys sonne wolde come whome to hys house and desyre his good will they shuld not only have yt but also shuld be restored to theyr gooddes and catalles that he hadd of theyrs. Wheruppon they, trustynge hys faythfull promesse made before suche a presence, toke one John Dackombe Esquyer with them to be a wytnesse of theyr submyssion: and when they came nygh Stourton house, in a lane, half a dussen of the Lord Stourton's men russhed foorth and lettyng Mr. Dackombe and the sayd William Hartgyll passe them, stept before the sayd John Hartgyll, and when he torned hys horsse to have rydden away whomeward agayn syx of the sayd Lords men were there with wepons to staye hym, and so beyng besett boathe before and behynd they strake at hym, and before he could drawe hys swerd and gett from hys horsse, they hadd woounded hym in thre or foure places: then he gat his backe to a hedge and there defended hymself as well as he could, albeit they woounded hym in the hedd, the hand, the body and the legges, and left hym for dedd. Neverthelesse when he had lyne so almost half an houre he came to hymself agayne, and by the helpe of a coke of the sayd Lord Stourton's who toke pytye uppon hym, he got uppon hys horsse and so rode to th'ouse of one Rychard Mumpesson of Mayden Bradley gent for he[lp].” [*Here this Manuscript, being only a fragment, abruptly terminates*].

“This” (says Strype) “at last became a Star-Chamber business; and, in fine, the matter appear'd so heinously base on the said Lord

Stourton's side, that he was fined in a certain sum to be paid to the Hartgills, and was imprisoned in the Fleet." The sum that he was ordered to pay for damages was £368 6s. 8d. (See Document No. 57). He obtained his liberty under a Recognizance for £2000 to re-appear: but this judgment against him was never forgiven and was certainly the immediate cause of Hartgill's death.

The sequel of the story is taken (as already mentioned) from a different fragment of MS. (Lansdowne, No. 3, Art. 49.)

### TH'ORDER OF MY LORD STOURTON'S PROCEEDINGS WITH THE TWO HERTGILLES.<sup>1</sup>

"Being lycenced a lytle before Christmas for certeyn considerations to repayre into his countrey uppon bandes of two thousand pounds to render him self prisonner agayne in the Fleet the first daye of the tearme, promising faythfully in the meane time to paye unto the Hertgilles such somes of monney as he was condemned to paye them, he devised within thre or iiij dayes after his arryvall at his howse of Sturtone Caundel<sup>2</sup> to send certain parsonages to the said Hertgilles to declare unto them that he was readye to paye unto them the said somes of monney according as yt was ordered in the Starre chambre, and to commune with them also for a further ending and quyeting of all matters between them: for the which purpose he desyred a place and tyme to bee appointed of meeting togethers. The two Hertgilles receyvd this errand with much contentacion; and albeit theie stode in some feare that my Lord ment not all together as he had caused to be declared unto them, and therfore stood in much dought to adventure themselves, yet were they in th'end content to meete with him at Kylmington church the Monedaye after Twelfth Daye. At which Mondaye, being the xi<sup>th</sup> of Januarye, abought x of the clock the saide Lorde Sturtone came to Kylmington accompanied with xv or xvj of his

<sup>1</sup> On the back: "*Articuli contra Dominum Sturton.*" In another hand, "*Declaracion of the whole manner of the murdering of the two Hertgills.*"

<sup>2</sup> Stourton Caundel is in Dorsetshire: but at no great distance from Stourton House in Wilts.

own servantes and sondry of his tenantes and some Gentelmen and Justices to the nombre of lx parsons in all.

The Hertgilles attending at the place appointed, seing my Lorde Sturtone to bee at hand and to come with so greate a companye, beganne veary moch to dreade.

My Lorde came not to the church but went to the church-house,<sup>1</sup> being xl passes distaunt from the church yarde: from thens he sent worde to the Hertgilles, who yet were in the church, that the church was no place to talke of worldelye matters and therfore he thought the church-howse to be a fitter place.

The Hertgilles came owt of the church, and being within xx passes of my Lorde, olde Hertgill after dew salutacion said "My Lorde, I see manny ennemyes of myne abought your Lordship, and therfore I ame very moch afrayed to come anny nere." My Lorde assured him first him self, and after him Sir James Fitz James, Chaffyn and others boldened him so moch as they coulde, saying they durst bee bounde in all they hadd theie should have no bodely hurte. Uppon this comforte he approched to my Lorde's parson, and then my Lorde tolde him he was come to paye them monney which he had brought with him and wolde have had them to goo into the church-house to receyve yt. But the Hertgilles, fearing yll to be ment unto them, refused to entre into anny couvered place, the church excepted.

Wheruppon some being present thought good that a table shoulde bee sett uppon the open grene, which was done accordingly. My Lorde layed theruppon a cappecase<sup>2</sup> and a pursse, as though he had intended to make payment: and calling nere unto him the saide two Hertgilles saied unto them that the Councel had ordered him to paye unto them a certayne some of monney which they should have every penney. "Mary, he wolde first know them to be *Trew*

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<sup>1</sup> The Church-house is still standing; a few yards N.W. of the church. It has windows of ecclesiastical pattern. It may be mentioned that anciently the "Church-house" in a parish was that in which Annual Meetings or "Ales" were held, to raise money for church purposes. The room in the Tower of Kilmington Church is merely a small belfry, some ten feet square.

<sup>2</sup> Cap-case, a kind of small portmanteau.



*menne.*" This was the watche-worde that he gave to his *menne* as he came by the waye thitherwarde, and therewith he layed handes on them boothe saying "I arrest yowe of felonye." And therewith his men which to the nombre of x or xij stooode purposely rounde aboughte him, layed hold on them and with all crewelnes straight tooke them boothe and by vyolence thruste and drew them into the church-howse, where with his owne handes he tooke from them their purses, of the which one of them fallinge from him was by a servaunt of his named Upham taken upp and afterwarde brought by him to Sturtone where my Lorde receyved yt, and fynding a turquoyse therin he made therof a present unto my Ladye.

And then the saide Lorde Sturtone having in a redynes two blew bandes of inkle<sup>1</sup> which that morning he had purposely brought with him from Sturtone, delivered them to his men to bynde the saide Hertgilles withall in the saide church-howse, and whilst they were a bynding he gave the saide Upham, being one of his men, two greate blowes becawse he went abowght to pynion them and did not tye their handes behinde them. And to the yonger of the Hertgilles being bounde he gave a greate blowe in the face for that he said the crueltye shewed unto them was to moch.

And coming owte of the howse with his naked sworde, fynding at the dore the saide yonge Hertgille's wyef, first spurned at her and kycked so at her as with his spurres he rent a greate pece of one of her hosen from her legge, and fynally he gave her with his saide sworde soch a strooke between the necke and the hedd as she fell therewith to the grounde as deade, so as in three howres the companye had moch a doo to kepe lyfe in her: of the which strooke she kepeth yet her bedd and lyeth in soch case as Godd knoweth what wilbe coom of her.

From thens being fast bounde he cawsed them to bee convayed to the Parsonnage of Kylmington where all that daye they wer kept, their armes being bounde behind them, withowte meate or drinke; in the which place, hadd he not bene otherwise perswaded by one of his men, they hadd that night have bene murdered.

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<sup>1</sup> Inkle: a kind of coarse tape, or web.



About one or ij a clock in the morning ("i.e. of Tuesday the 12th Jan.") they were from thens conveyed to a howse of his called Bonham<sup>1</sup> two myles of, within a quarter of a myle of Sturtone where my Lorde him self laye, where arrayving the Tuesdaye about ij of the clocke in the morning they were layed fast bounde in two severall places withowte meate or drinke, fyar, or anny thing to lye uppon. About iij of the clocke in the afternoone my Lorde sent unto them two Justices of the peace to examyne them, whome he made beleve he wolde the next morning send them to the gaule; and to that ende he cawsed the said Justices to put their handes to a *mittimus*. Assone as the Justices came unto the howse, fynding them bounde, they caused them to bee loosed, and advised my Lorde's men that kept them to suffer them so to contynue, saying that ther was no doubt of th'escaping of them.

But assone as the saide Justices were departed, my Lorde sent first Saunder [Alexander] More and then Franck and fynally Farre, being all three his men, to cawse them to be bounde agayne and to bee layed in severall places, comaunding further all the keepers to come awaye savinge such as he had especially appointed for the murder which ensued, whome he had before procured to doo th'acte, promising that they shoulde doo no more then he him selfe would doo. About x of the clocke<sup>2</sup> my Lorde sent to Bonham William Farre, Roger Gough, John Welshman and Macute Jacob, comaunding them to fetche the saide Hertgilles to the place appointed, uppon warninge them that in case by the waye the saide Hertgilles uppon suspicion what was ment to them shoulde make anny noyse, to rydde them of their lyves before the comyng of them to the saide place. The four above named, fynding at

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<sup>1</sup> Bonham is the name of a Farm, in the parish of Stourton, south of the village. It anciently belonged to a family of that name, but was bought by the Lords Stourton, one of whom temp. Henry VIII., built a house in a grove on the hill. (Leland.) A Roman Catholic Chapel still the property of Lord Stourton adjoins the farm. (Hoare, Mere 89.) It appears from the accounts of Charles Lord Stourton's estate in 1549 that Nicholas Bonham, Esq., was then the owner, but that Lord Stourton held it on a lease for years.

<sup>2</sup> At night. See the Latin Bill of Indictment, (No. 60).

Bonham Henry Symes who was appointed to watche the howse, went into the same and brought ought the two Hertgilles and bringing them to a close joyning hard to Sturtone<sup>1</sup> they were knocked in the heades<sup>2</sup> with two clubbes, wherewith, kneling on their knees and their handes fast bounde behinde them, being at one strooke felled, they receyved afterward sondry strookes till the murderers thought they had bene starck dedde, My Lorde in the meane seaseone standing at the gallery dore which was not a good coyte's cast from the place of execucion. This doon they wrapped them in their owne gownes and so caryed the bodyes among them through a gardeyn into my Lorde's gallerye, at the dore wherof they founde my Lorde according as he had promysed, and from thens into a lytle place in th'ende therof, my saide Lorde bearing the candle before them, where he that caryed olde Hertgill, missing a plancke, fell downe into a hole and the body with him.

This place was hard by my Lorde's chamber, to the which place being the bodies brought (*sic*) not full dedd, they groned very sore, specially th'eldre Hertgil, which hering, William Farre, one of the murderers, swearing "By Godde's bloude they wer not yet dedd," and Henry Symes saying "It were a good deede to rydde them owte of their paynes," and my Lorde him self bidding their throotes to bee cutte leaste a French preeste<sup>3</sup> lyeng nere to the place might here, the said Farre tooke owte his knyfe and cutt bothe their throotes, my Lorde standing by with the candel in his hande. And one of the murderers then sayed "Ah my Lorde! this is a pytious sight: hadde I thought that I now thincke, before the thing was doon, your hole land could not have woon me to consent to soch an acte." My Lorde answered "What, fainte

<sup>1</sup> The close was then called "*The Worth*, near the garden of the capital mansion of the said Lord Stourton," (No. 60.)

<sup>2</sup> John Hartgill, the son, was the first knocked down by Wm. Farre *alias* Cutter. William Hartgill was then felled by Henry Symes, (No. 60.) It may be here stated that in Burke's Peerage, (Edit. 1846) under "Stourton," a great mistake is made, in saying that Charles, Lord Stourton "was aided by *his sons*" in this murder. His eldest son John was at the time just four years old.

<sup>3</sup> Probably the Priest of a private chapel of the Stourtons formerly at Stourton House.

harted knave! ys yt anny more then the rydding of two knaves that lyving were trooblesome bothe to Goddes lawe<sup>1</sup> and man's? There is no more accoumpt to bee made of them then the kylling of ij sheepe."

Then were the bodyes tumbled downe into a dongeon, my Lord walking bye upp and downe: and after Harry Simes and Roger Gough wer convayed downe by cordes (for ther were no staires therunto), who digged a pytt for them and there buried them bothe together, my Lorde oftentymes in the meane tyme calling unto them from above to "Make speede, for that the night went awaye."

The bodyes have sythen (since) bene digged uppe by Sir Anthonye Hungerforde sent purposely to the place for that purpose: and wer found in the self same apparayle that they wer taken in, berried very depe, couvered first with earthe and then with two coursses of thicke paving, and fynally with chippes and shavings of tymbre above the quantetye of ij cartte loodes.

In th'examinacon of these matters yt is fallen owte that he cawsed not long sythen a barne of one Thomas Chaffyn to bee sett on fyer by iij of his servantes; against which Chaffyn, for that he sayed yt was not doon withowte the knowledge of the saide Lorde or of some of his servauntes, Lord Sturtone tooke an action uppon his case and recouvred of him a hundred pounds damage, for the payment wherof he tooke owte of Chaffyn's pastures by force twelve hundred sheepe with the woll uppon their backes, all the oxen, kyne, horssees and mares that he coulde fynde in the saide pastures.

From one Willoughbye he cawsed to bee taken for his pleasure a hole teme of oxen wherof ij wer founde at this present a fatting in the stall in his howse. Hys other routs, ryottes, robberyes and murders yt wer to long to wright."

"And thus" (adds Strype) "ends this relation, which was writ soon after this bloody act was done upon the Hartgills, from whence I transcribed it."

The above Narrative was evidently written, immediately after the murder, (because it mentions that the younger Hartgill's wife

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<sup>1</sup> Misprinted "love" in Sir R. C. Hoare.

was still keeping her bed from the blow she had received from Lord Stourton's sword) and probably before Lord Stourton's execution: otherwise the writer of it (no friend to his Lordship), though unwilling to detail all the rest of the alleged "ryottes, robberies and murders," would surely have resumed his pen, before the manuscript left his hands, to add the result of them.

It would seem that upon the very Monday, the 11th of January, when Lord Stourton met the Hartgills at Kilmington Church, and "arrested them of felony," some quick application must have been made by their friends to the Council: for the Council Books contain the following Orders dated the 14th January.

(No. 1.) At Grenewich the xiiij<sup>th</sup> day of January An<sup>o</sup> 1556-7.

A Letter to the Lord Sturton to cause the bodyes of William Hartegill and John Hartegill (whome the Lordes of the Councill are infourmed he hath attached for felonye and keepeth them in his owne custodie) to be delivered to the Sherife of Somersetsheire to be used accordyng to justice, and to repaire hether himself to morowe to make declaracons of his doings in this behalfe.

(No. 2.) A letter to the sherife of Somersetsheire to take the Bodies of William Hartegill and John Hartegill (whom the Lord Sturton hath attached of fellonie) into his custodie, and in case they be baileable to cause sufficient bandes to be taken of them for their forthecominge to be ordered accordinge to justice, and to sett them thereupon at theire libertye; or if they be not baileable then to cause them to be sente upp hether under safe and sure custodie to be further used as occasion shall serve. (Council Book.)

But the interference of the Council came too late; for it was about 11 o'clock on the night of Tuesday, January 12th, that this murder was committed.

On the 28th January Lord Stourton was committed to the Tower: and some of his money appears to have been seized upon, towards payment of costs. Sir John Fitz Williams was also sent to prison on suspicion of being concerned in it.

(No. 3.) Hilary Term 1557.

Lord Sturton in the Fleete, sent for to be in courte to heare the judgment of the court for the assessment of his fyne for the procureing his men to comitt the ryottes of the Hartgilles plaintiffs against him. The Lord Chancellor then declaring his fyne to bee 300 markes, saying, "He was not content with the order of the Court of his conviction the last terme," Lord Sturton replied "I am sorie to see that Retorick doth rule where law should take place," which wordes the Lord

The Lord Stourton committed to the Tower upon the reading of the information against him concerning murthering of the Hartgills.



His speeches used to the Lord Chancellor tending to the dishonour and slander of the Court, adjudged to bee punished.

Chancellor said were to the slaunder of the Court and to be punished, yet the punishment respited till the Queen might be advertised thereof. The Chancellor declared to the Lord Sturton, that there was an informacion against him for certayne misdemeanors committed against the Hartgills which was openly redd, whereby it appeared he pretended a frendly ende to be had between him and them, and so drew them to meete under that colour that hee meant to pay them mony according to the order of the court; they meetinge to that ende were imprisoned in his own house, bound hand and foote, and after that never heard of. Hee being asked by the Councell, where they were? said hee could not tell, but thought escaped from the constable to whom hee comitted them: where upon the Court comitted him and three of his men to the Tower close prisoners, and put him out of Comission for the Peace. Some other of his men were comitted to other prisons.

Sr John Fitz Williams and his men comitted close prisoners for the suspition of the murther of the said Hartgills.\*

(No. 4.) In the Starr Chamber the vij day of February An<sup>o</sup> 1556-7.

It was ordered that Arthure Sturton † havinge in his custodye 100 pounds appertayninge to the Lorde Sturton should delyver the same to Sir John Mason to be by him employed in such soarte as by my Lordes should be appointed for the charges that might fall out by the said Lord Sturtons case presently in ure, ("i.e. *now in action.*") (Council Book.)

Orders were issued for the apprehension of his servants, one of whom, Roger Gough, as appears from the next document, had made his escape into Wales. He was no doubt taken, as four appeared for trial.

(No. 5.) At the Starr Chamber the xiiij<sup>th</sup> day of February An<sup>o</sup> 1556-7.

A Letter to the Vice president of Wales to cause dilligent searche to be made for one Gogh who lately served the Lord Sturton and is presently fledd in to Wales; and upon his apprehension to comyte him to safe warde: which Gogh was supposed to have ben of counsaill in the shamefull murder of the Hartgilles. (Council Book.)

(No. 6.) 23 Feb. 1556-7.

A Letter to Sir John Mason to pay to M<sup>r</sup>. Hampton viij<sup>s</sup> xiiij<sup>d</sup> of the 100 pounds which remaine in his handes of the Lord Stourton's for so much paid by the said M<sup>r</sup> Hampton to M<sup>r</sup> Wadham, Sheriff of the counties of Somerset and Dorset, for bringing up of certain prisoners thither. (Do.)

\* Harl. MS. 2143. Is this a mistake for Sir James Fitz James, see Document 62.

† Younger brother of Charles and M.P. for Westminster 1555. In 1 and 2 Ph. and M. he had a grant of the custody of the palace called York Place, part of the palace at Westminster, with great garden and orchard: also garden and orchard at Charing Cross, tennis play, bowling alley, Pheasant's Court, &c., with "Paradise, Hell and Purgatory," being within "our Hall at Westminster." (9. pt. Pat.)



On the 19th February an Inquisition was held at New Sarum before John Prydeaux, Serjeant at law, Henry Brouncker, Christopher Willoughby, John Hooper, Esqrs., and a Jury of Twenty gentlemen of the county impanelled by Sir Anthony Hungerford the Sheriff. A true Bill was found: a copy of which, with the names of the Jury, will be found in Documents No. 59, 60.

On Friday the 26th February he was brought in custody of Sir Robert Oxenbridge, Constable of the Tower, and arraigned at Westminster Hall before the Judges and divers of the Council, as the Lord Chief Justice Sir Robert Brooke, Henry Fitz Alan, Lord Arundel, (the Lord High Steward), the Lord Treasurer and others. "It was long" (says Strype) "ere he would answer, till at last the Chief Justice declared to him that if he would not answer the charge laid upon him he was by the law of the land to be pressed to death. At length he made his answer, was cast by his own words, and, with his four men, condemned to be hanged."

The Latin Record of his confession and sentence, translated into English, runs thus:—

(No. 7.) "And being thereupon asked how he would acquit himself of the felony and murder with which he was charged he answered, that he cannot say he is not guilty: and the said Lord Stourton expressly acknowledged the said felony and murder and for the same placed himself in mercy of the King and Queen. Upon which the Serjeants at law and Attorneys of our Lord the King and Queen immediately sued judgment against the said Lord according to due form of law, and execution to be done for the King and Queen. Whereupon, all and singular the premises being understood, it was the sentence of the Court that the said Charles Lord Stourton should be hanged." \*

He was taken back to the Tower to wait further orders from the Council.

The further orders were as follows:—

(No. 8.) At Greenwiche the xxviiij day of February An<sup>o</sup> 1556-7. (Council Book, p. 514.)

Present etc.

A Letter to the sherife of Wilteshire to receave the bodie of the Lord Sturton at the handes of Sr Hughe Paulet and to see him executed according to the writte sente unto him for y<sup>e</sup> purpose &c., accordinge to the minute in the Councaile cheste.

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\* Conclusion of one of the documents in "Baga de Secretis."

(No. 9.) At Grenewiche the i day of March An<sup>o</sup> 1556-7. (Council Book p. 516.)

A Letter to the Lord Lievetenaunt of the Towere to delivere the bodies of the Lord Sturtone's fower servantes remaininge in his custody to S<sup>r</sup> Hugh Paulet, to be by him convayed downe unto the countye of Wilts to receive there their furder tryall for murderinge of the Hartgilles, accordinge to the order of the lawes.

On the 2nd March Lord Stourton with his four servants, in charge of Sir Robert Oxenbridge and certain guards, rode from the Tower towards Salisbury. His arms were pinioned and his legs fastened under the horse. The first night they rested at Hounslow: the next day they came to Staines: thence to Basingstoke and so to Salisbury. Execution was done upon him on the 6th March in the Market-place and he made great lamentation at his death for his wilful and impious deeds, says the historian Strype.

Bishop Burnet seems to be the authority for the story that he was hanged in a silken cord: and an old MS. in the writer's possession (being a kind of Tourist's Notes, without name or date) mentions that there was an "old silken string" hanging over his tomb. It adds, "This must needs have been a mighty comfort to him. It is not unlike a passage that is in the Roman History about Galba; who being petitioned by a condemned Knight that he might not suffer like a common malefactor, the emperor commanded the gallows to be finely painted and coloured that it might be answerable to his quality." Dodsworth says that a twisted wire, with a noose emblematic of a halter, remained till about the year 1775. Lord Stourton's monument in Salisbury Cathedral formerly stood at the East end of the church, but was removed and is now on the South side of the nave. It is a plain tomb with three apertures on each side intended, as Dodsworth explains them, to represent the six wells or fountains in the armorial shield of the Stourton family, but the resemblance is not very striking. There is no inscription.

The four servants sent down to Salisbury for further trial, (two of whom would certainly be William Farre and Henry Symes, who knocked the Hartgills down) were executed according to the following Order, (Council Book, p. 532.)

(No. 10.) 14 March 1556-7.

A Letter to Sir Anthony Hungerford Sheriff of the county of Wilts of thanks for his diligence and good service being well reported here by S<sup>r</sup> Hugh Poulet Knt. He is also willed to deliver three of the late Lord Stourton's servants, being condemned, to the Sheriff of Dorset and Somerset to be by him hanged in chaines according to the writ sent unto him for that purpose: and to cause the fourth to be hanged at Myers (Mere) in chaines.

The other agents in the murder John Davyes, John Welshman, and Machute Jacob, are all described, in a sentence of outlawry, as "Yeomen of Stourton and domestic servants of Charles Lord Stourton."

Burnet, Bishop of Salisbury, in his History of the Reformation makes the following remarks upon Lord Stourton's case:—<sup>1</sup>

"These severities against the heretics made the Queen shew less pity to the Lord Stourton than perhaps might otherwise have been expected. He had been all King Edward's time a most zealous papist, and did constantly dissent in Parliament from the laws then made about religion. But he had the former year murdered one Argall and his son, with whom he had been long at variance." (Then follow the particulars of the murder and sentence of death.) "All the difference that was made in their deaths being only thus, that whereas his servants were hanged in common halters, one of silk was bestowed on their lord. It seemed an indecent thing, when they were proceeding so severely against men for their opinions, to spare one that was guilty of so foul a murder, killing both father and son at the same time. But it is strange that neither his quality, nor his former zeal for popery, could procure a change of his sentence, from the more infamous way of hanging, to beheading: which had been generally used to persons of his quality." [After dismissing as groundless an idea entertained by some that in cases of Felony the Crown had no power to order beheading instead of hanging, he proceeds.] "So it seems the hanging the Lord Stourton flowed not from any scruple as to the Queen's power of doing it lawfully, but that on this occasion she resolved to give public demonstration of her justice and horror at so cruel a murder, and therefore she left him to the law, without

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<sup>1</sup> Part 2, book ii., (vol. ii., p. 544, Nares's Edition.)

taking any further care of him. Upon this the papists took great advantage to commend the strictness and impartiality of the Queen's justice, that would not spare so zealous a Catholic when guilty of so foul a murder. It was also said, that the killing of men's bodies was a much less crime than the killing of souls, which was done by the propagators of heresy; and therefore if the Queen did thus execute justice on a friend, for that which was a lesser degree of murder, they who were her enemies, and guilty of higher crimes, were to look for no mercy."

In a later part of his work, the Bishop thus refers to the subject:<sup>1</sup>

"Here" (in the Council Books) "several orders are entered concerning the Lord Stourton and his servants: three of them were ordered to be hanged in chains at Mere.

"I had in my former work given a due commendation to that which seemed to me a just firmness in the Queen not to pardon the Lord Stourton for so heinous a crime as the murdering father and son in so barbarous a manner. But since I have lived long in Wiltshire, I find that there is a different account of this matter in that neighbourhood. The story, as it has been handed down by very old people, is this. The day before the execution was appointed, there was a report set about that a pardon, or reprieve, was coming down: upon which the Sheriff (Sir Anthony Hungerford) came to the Earl of Pembroke, who was then at Wilton, for advice. That lord heard the report, and was much troubled at it;<sup>2</sup>

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<sup>1</sup> History of Reformation, part 3, book v., (vol. iii., p. 391, Nares's Edit.)

<sup>2</sup> In one of Charles Lord Stourton's letters (to Sir William Sherington, No 41), he speaks of the Earl of Pembroke as his good friend. "Well I knowe that Mr. Herbert is High Lieutenant of Wiltshire, and even as I have no vain hope but certainly do know him to be *mine especial friend* whom I would trust for my life and goods, &c." But after Mr. Herbert's rise to greatness their friendship may have ceased, for John Aubrey says that "In Queen Marie's time there was a great feud between this Lord (Stourton) and William Herbert, the first Earl of Pembroke of that family, who was altogether a stranger in the West, and from a private gentleman and of no estate, but only a soldier of fortune, becoming a favorite of K. Hen. 8. at the dissolution of the Abbeyes, in few yeares from nothing, slipt into a prodigious Estate of the Church's Lands, which brought great envy on him from this Baron of an ancient family and great paternal estate, besides the difference in religion." ("Wilts Collect. Aubrey & Jackson," p. 393.)



so, apprehending some message might come to him from the Court, he ordered his gates to be shut somewhat early, and not to be opened till next morning. My Lord Stourton's son came down " (to Wilton) "with the order: but since the gates were not to be opened, he rode over" (to Salisbury) "to his father," (in the jail) "who received the news with great joy. In the night the Sheriff left Wilton, and came so secretly to Salisbury that Stourton knew nothing of it, and believed he" (the Sheriff) "was still at Wilton, where he knew he was the night before. But when he" (Lord Stourton's son) "was so far gone" (i.e. again to Wilton), "that the Sheriff knew he could not come back in time to hinder the execution, he brought his men together whom he had ordered to attend on him that day: and so the lord was executed before his son could come back with the order to stop it. I set down this story upon a popular report of which I have had the pedigree vouched to me, by those whose authors, upon the authority of their grandfathers, did give an entire credit to it. So meritorious a man as the Lord Stourton was, who had protested against every thing done in King Edward's Parliament, had no doubt many intercessors to plead for him in his last extremity. I leave this with my reader as I found it."

The reader will believe, or not, as he pleases, the "old men's tradition" as reported (in no very lucid way) by Bishop Burnet. But it is to be observed first, that the Bishop was living 130 years after Lord Stourton's execution. In the next place, in one—rather pathetic—article, the tradition must be false, because impossible. Lord Stourton's *son* could never have ridden from London with the reprieve, for in a Petition of Dame Anne Stourton (widow of Charles) presented immediately after her husband's death it is stated that the son and heir was then "*of the tender age of four years.*" (See Document No. 66.) Further, it is not very likely that a chief nobleman and a High Sheriff of the Anti-Romanist party, had they been guilty of so flagrant an evasion of the Royal prerogative of mercy, would themselves have benefitted very largely by that prerogative, from Queen Mary.<sup>1</sup>

<sup>1</sup> A somewhat similar story is told in the case of James Stanley 7th Earl of

## CAUSE OF THE MURDER.

So far the Narrative of the Outrage. It will naturally be asked, what were the motives? and what provocation had been given? The Narrative itself contains little or nothing upon this part of the subject: for it only says that "Charles Lord Stourton wishing to coerce his mother into a bond never to marry again, desired to obtain in this matter the assistance of the elder Hartgill who was Steward of the Stourton Estates: that Hartgill refused, unless some provision were made for the lady: and upon this they utterly fell out." How far this is correct we have no means of knowing, for upon this particular point no fresh evidence has been met with.

The only other cause mentioned in any work hitherto published is the one assigned by John Aubrey, upon the authority of his friend the Rev. Francis Potter, Rector of Kilmington, who however lived about a century after the event. His account of the matter is as follows:—"A surly, dogged, crosse fellowe it seems he (Hartgill) was; who, at last, when his Lordship had advanced him to be steward of his Estate, *cosined his Lord of the Mannour of Kilmanton*, the next parish. I thinke it was a Trust. The Lord Stourton, who also had as good a spirit, seeing that his servant Hartgill had so ensnared him in law tricks, as that he could not possibly be relieved; not being able to bear so great and ungratefull an abuse, murdered him as aforesaid."<sup>1</sup>

From the further information that has now been obtained, it would appear that in one point Aubrey's statement is not quite

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Derby, October 1651, after the Battle of Worcester. Lord Derby having been by Bradshaw's management, condemned to death, and his execution ordered within four days, his son Lord Strange rode with all speed, night and day, to London and presented a Petition to Mr. Speaker Lenthall by whom it was read to the House of Commons. "Cromwell and Bradshaw however had previously taken the necessary steps to prevent this measure succeeding. Observing that a majority of Members were inclined to allow the Earl's Petition, they basely quitted the Assembly with eight or nine of their confederates, and with a cold-blooded calculation and indifference unknown in History they reduced the number of the House below Forty, by which means the Question was lost and so much time suffered to elapse as secured the execution of the sentence." I find this story in Baines's History of Lancashire vol. iv. p. 35, and, using Bishop Burnet's words, "I leave it with my reader as I found it."

<sup>1</sup> "Collections for Wiltshire, Aubrey & Jackson," p. 393.

accurate. Instead of "advancing" Hartgill to be *his* steward, the case seems rather to have been that Charles Stourton dismissed him from the Stewardship as soon as he had the power to do so : and therefore if there was any fraudulent transaction it must have occurred in the lifetime of Charles's father, William Stourton. But with this reservation, there can be no doubt that the Manor of Kilmington was a primary cause of the feud between them.

From Official documents we learn that the Manor belonged to the Abbess and Convent of Shaftesbury, William Hartgill being their Tenant in possession. At the Dissolution he wished to purchase it, and being at that time Steward to the neighbouring property of William Lord Stourton, through his influence Hartgill obtained what he wanted. William Lord Stourton applied to the Crown. Kilmington Manor was granted to him, and he obtained a License to transfer it to Hartgill. So far the matter is clear, as proved by the following Documents.

Grant from the Crown to William Lord Stourton, 7th July 1543. (35 Henry VIII) <sup>1</sup>.

(No. 11.) "The King to all, &c., greeting. Know ye that for the sum of £1264 2s. 6 $\frac{1}{4}$ d. of legal money of England paid into the hands of our Treasurer of the Court of Augmentation of the Revenues of our Crown, for our use, by our beloved William Stourton Knt., Lord Stourton, for which we admit ourselves fully satisfied, &c. We by these presents, &c., have given and granted to the aforesaid Wm. Lord Stourton, all that our Manor of Culmington *alias* Kylmyngton with all its members and appurtenances in our County of Somerset. Witness ourselves, &c. at Westminster the 18th day of January."

Two days afterwards he (William Stourton) had a License from the Crown to pass it on to Hartgill.

(No. 12.) "The King to all, &c., greeting. Know ye that of our special grace and for 13s. 4d. paid into the hanaper we have given licence to Wm. Lord Stourton to alienate sell and confirm to William Hartgill To have and to hold to him his heir and assigns for ever, all that his Capital Messuage and Farm now in the tenure of the said Wm. Hartgill: the Barton, 2 closes: pasture for 40 sheep on Kylmington Heath, "*ac aliam coiam suam*" (*sic*) wheresoever in Kylmington: a messuage and one close called "Medowes," two called Hullyns-Heyes, late in occupation of John Modon: a pasture called Dynys Calfe-hayes and Woldhayes, a wood called Church-grove late in the tenure of Henry More: a messuage newly built by John More called Dynys:

<sup>1</sup> Pat. Roll, 18th part, 35 Henry VIII., Memb. 36. William Lord Stourton was a large purchaser of dissolved Monastery lands.

two closes called New-hayes, *with all rights and privileges whatsoever*: All in Kilmington and late belonging to the Monastery of Shaftesbury: To hold of us and our heirs: Witness, &c., at Westminster 20th January." \*

Being held of the Crown, the manor could not be alienated without this License: but a conveyance from William Lord Stourton would also be required. *Presuming* the License to have been followed up by the conveyance, it would then seem from this evidence that the manor was never in the possession of Charles Lord Stourton. But it is certain that on succeeding to his father's Estates at the end of the year 1548, he had some lands of his own in Kilmington, and also the separate manor of Norton Ferrers in that parish: and that he held Manor Courts for both. This appears from the original parchment Court Roll, dated 8th April 1549 (a few months after his father's death), now among the Marquis of Bath's Deeds at Longleat.

(No. 13.) KILMINGTON. The First Court of the Manor of the Right Honourable Charles Stourton, Knight, Lord Stourton, held there on the 8th day of April in the 3rd year of Edw. vi., &c.

At this Court the Homage present that William Hartgill is cited to show at the next Court by what right he claims common of pasture for 100 sheep *upon the Rectory*.

And at the Court held the 9th April for the Manor of Norton Ferrers in the parish of Kilmington the Homage present that William Hartgill is one of the Freeholders there. But he is cited to show by what right he claims to hold one acre called the Black Acre under Knoll Hill and Ten Acres there which the Homage say he holds unjustly. (*From the Latin.*)

About this Manor they certainly quarrelled. Whether it was that Charles Stourton suspected some flaw in Hartgill's title, or that he conceived himself to have been injured by Hartgill's having used some undue influence in obtaining the said Manor from his (Charles's) father, we have no means of knowing. But it will appear from the documents connected with this story that, in the lifetime of William Lord Stourton, Hartgill had been entrusted with the absolute management of the estates, without even ever being called to account for the same (see No. 19), also with purchases and sales thereof: that several of the Stourton estates were sold during his stewardship and that he obtained for himself from

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\* Pat. Roll, 18th part, 35 Henry VIII., Memb. 48.



his employer other lands besides the above mentioned (late monastic) farm at Kilmington. His conduct in these transactions must have created jealousy and dissatisfaction in the mind of the heir apparent who saw, or fancied that he saw, his patrimony unnecessarily or improperly diminished, and in this sense Charles Stourton may have considered himself to have been "cozened."

These then are the only two causes that have ever yet been produced to account for the murder; viz., Hartgill's taking part with Lord Stourton's mother, and his acquisition of land from Lord Stourton's father. For any thing else that is known in explanation of their mutual enmity we are indebted to the Papers that have lately been discovered. Yet even among them there is not one that specifically details the whole matter from the very beginning. It is only incidentally and by circumstantial evidence that we are able to infer what the case really was.

From the Papers alluded to it is clear that during the old Lord's life-time there had been, on the part of Charles Stourton whilst heir expectant, a smothered suspicion and dislike of Hartgill; and that no sooner was the breath gone from the father's body than the flame broke out between the son and the steward; the immediate cause being—William Lord Stourton's Will.

Under this, Charles Stourton found himself deprived of the whole *personal* estate, which had been bequeathed to a "Mistress Agnes Ryce." Charles Stourton contested the Will, and Hartgill took the lady's part. All the particulars of this affair will be given presently in detail.

War between them being thus seriously declared from the first, no wonder that when, as often happens in neighbouring properties, subordinate questions of right arose, the *personal* feeling interfered with patient adjustment, and their quarrels were often, and at length fatally, cut short by blows.

Of this petty border-hostility the documents supply us with several instances. Hartgill held certain lands, rent for which was claimed by Charles Stourton. The other alleged a particular Lease, but refused to produce the document, or to pay any rent. This went on for several years: and in the Rent Rolls (which are at

Longleat) these items are constantly entered year by year as "in arrear," with the marginal annotation of "non viderunt indenturam" ("the auditors have not seen the Lease"); or "on lease, as it is said," or "unpaid, pending inquiry by what right he holds," &c. The particulars of these lands in dispute are,

## (No. 14.) KILMINGTON.

"*Wm. Hartgill*. Free Rent of late Henry Compton's 4s. For Cortops-hays 13s. 4d. New close £1 13s. 4d. Windmill Acre 2s. Three pastures 24 acres and close called Chattes-hays, together 17s. 4d. Total per annum £3 10s. 0d.

*John Hartgill*, the son: Rent for the Church-house (which he annually re-fused to pay) 3s. 4d.

In the Court Rolls there are also certain presentments by the Homage, that indicate no good feeling between the parties.

*Wm. Hartgill* is fined 6s. 8d. by rules of court for shutting up a highway called Kyteshore lane. Also for not stoning a lane called Hamsher-lane 6s. 8d.; and for not restoring to their place the Stocks ("cippos"): for not cleaning out a well called The Swallow 6s. 8d.: again for closing the Kyte-shore lane 20s. Total £4.

*John Hartgill*, and his servants Nicholas Loo and Thos. Rogers for an assault on Henry Symms and drawing blood, are fined the value of 3 shields and swords, 10s. for each shield and sword: Total 30s.

## NORTON FERRERS and BECKINGTON.\*

*Wm. Hartgill*. Rents unpaid for late Henry Compton's £1 12s. 2d. per ann. Do. for Barksdale and Henstridge 5s. For land called Romsey's belonging to the Lord but in Hartgill's occupation £1 3s. 0d. Also for land called Stints 5s. Total £3 5s. 1d.†

*Wm. Hartgill*. Unpaid Head-rent 18s. 6d. for a Farm at Bekinton, late paid to the Lord Ferrers by the farmer under written agreement, and £6 for the same farm due to the Lord Stourton because William late Lord Stourton Kt. purchased the whole manor of Norton from Lord Ferrers. Total £6 18s. 6d.

The above Rents, Total £10 3s. 7d. not paid and not collected until it be proved by what right Hartgill holds the same.

In 1533 the whole arrears for all the above amounted to £211 0s. 5d.

They had another quarrel about the Lease of the *Rectory* estate of Kilmington. In the extracts from the Court Rolls above, (p. 263)

\* Not the parish of Beckington between Frome and Bath, but a Farm near Kilmington. It may be observed that in the Inquisition taken upon W. Hartgill's death (see text before No. 63) it is particularly stated that these lands in Norton Ferrers "were held of the heirs of the Lord Ferrers." Now, Wm. Lord Stourton having bought the Ferrers property, Charles may have considered that these lands were held of himself. There was evidently some question of title that had been left undetermined.

† "Romseys" and "Stints" are still names of fields in the parish. The former is the property of Lord Bath.

Hartgill was cited to show his right of feeding 100 sheep on that ground, and in the course of the history we shall find a forcible entry and assault by Lord Stourton to get possession of the House. (See No. 35 "Star-Chamber proceedings.")

From the evidences in the Record Office it is to be inferred that they had also a dispute about a Right of Way. Hartgill lived in the village of Kilmington but had the farm called Beckington a little way off. In order to reach it he claimed a right of crossing some fields belonging to Lord Stourton. This Lord Stourton appears to have stopped, and by force: *for immediately after his execution*, Cuthbert Hartgill, grandson of William, again exercised his pretended right to the great annoyance of Sutton then tenant, who preferred his Bill of complaint in the Court of Requests.

Among the documents at Longleat relating to this quarrel, are a few pages of Accounts, the first leaf of which, had it not unluckily been missing, would have explained, when, by whom and for what purpose they were drawn out; but it seems to consist of Extracts from old Accounts, made by some third party for the purpose of discovering how matters had stood at the death of *William* Lord Stourton. The MS. (too long and confused to be printed) contains a schedule of monies received by Hartgill as Steward, for rents, sales of wood, &c., during a few years ending 1548 (2 Edward VI.) when that nobleman died; and shows Hartgill to have received £2073 2s. There is also a memorandum of such estates of the Stourton family as had been lately "sold by Hartgill:" viz., "To Thomas Long of Trowbridge, Lands in Maddington, Alton, Steeple Ashton,<sup>1</sup> Hilperton and Poulshot, all in Wilts, for the sum of £2100. Others in Dorsetshire to Gerrard Browne and Fisher for £480. In Essex to Sir Ralph Warren for £700. Estates at Shipton Moigne<sup>2</sup> co. Glouc., and at Easton Grey co. Wilts; prices not named."

<sup>1</sup> The farm still called "Stourton Farm" in West Ashton, parish of Steeple Ashton.

<sup>2</sup> The Rt. Hon. T. H. S. Sotheron Estcourt, from title-deeds in his possession as owner of the estate, has kindly informed the writer that, under a License from the Crown, the Manor of Shipton Moigne and Advowson of the Church were sold to John Hodges, Esq., by William Lord Stourton (father of Charles) in

But there is another Schedule which appears to exhibit the account between *Charles* Lord Stourton and Hartgill down to the time when the latter was dismissed from his stewardship. He appears to have owed his Lordship for Three quarters of a year's Rent of the various estates; also for wool, corn and cattle sold: Total £917 10s. 6d. On the other hand Lord Stourton is debtor to Hartgill for various payments made in his name. Nothing is marked here as disputable, but there were other accounts on which they never came to any settlement. Lord Stourton claimed from Hartgill, as mentioned in p. 265, £211 0s. 5d. for back-rents which Hartgill never acknowledged his liability to pay. Hartgill on the other hand claimed £368 6s. 8d. compensation for seizure of his cattle and corn (also mentioned above p. 248). This debt is alluded to in his Will dated 12 January 1555, where he gives his wife "one

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1543: but that Hartgill's name does not appear in the documents as a subscribing witness. As Lords of the Manor of Shipton Moyne the Stourtons appear to have had some claim to suit of court or other kind of acknowledgment from the owner of Estcourt; which duty having been, as it appears, not punctually performed, the following bolt was launched at the offender's head. It bears the signature, not, as it well might have done—of Tiberius writing from Caprea—but of a William Lord Stourton. The signature to the original letter is so unlike that of William, father of Charles Lord Stourton that (hoping we do him no injustice) we must take the liberty of attributing its imperious and arrogant spirit, to an earlier William who died in 1522.

(No. 15.) "Estcourt, I gryte you well. And where it is so that ye have oxen of my fermers of Shepton I will and comande yo<sup>n</sup> that ye deliv<sup>r</sup> or cause to be deliv<sup>d</sup> the same oxen agayne and to take yor tenants oxen that be in the keypyng of my seid fermor. And also I will ye certifie me shortly howe I shall be awnshered of suche sute as ye ofte right to doo unto my Court of Shepton. And also wyll advise you to speke shortly with yo<sup>r</sup> lerned Councell. And that yo<sup>n</sup> and theym to make me awnshere how I shal be contented and recompensed of my grete costs and charges with other grete trespasses that ye have done and comitted within my lordshipp there. And this to order yourself or els to send me yo<sup>r</sup> mynde in wretinge what yo<sup>r</sup> mynde is, to th'intent I may advertise my Councell lerned, as the case shall require. Wreten fro Stourton the xiiiij<sup>th</sup> day of May.

It'm, diverse tymes ye have ben required for to do yo<sup>r</sup> homage and ye do it not. I hav ben spokyn withall by my Bailly ther and other of my Servants to respete the mater or els I wuld a distreyned yo<sup>n</sup> or this tyme. Ye made promise to speke with me for your causes and change of land but ye come not. Do yo<sup>r</sup> duty and ye shall have have that ye ofte to have of right.

WYLLIAM L. STOURTON."



hundred pounds in money, being parcel of the value of the money, corn, cattle and debts the Lord Stourton wrongfully keepeth from me." (See Document 63.)

These land and money feuds led to feuds of other kinds: and more particularly as to the right of hunting deer: about which much will appear in the Correspondence. This species of quarrel naturally brought in not only servants and retainers on both sides, but also the neighbouring gentry; and so there grew up a Stourton and a Hartgill faction.

It is also to be suspected that there was between them another cause of estrangement, and one by no means insignificant in those days—a difference in Religion. Charles Lord Stourton himself was an uncompromising Romanist, but he had for his nearest neighbours two chief men of the opposite party, the Protector Duke of Somerset at Maiden Bradley, and Sir John Thynne at Longleat. Under the old order of things, when the Hartgills were Tenants to the Abbess of Shaftesbury and Stewards to the Stourtons, they of course held the Creed of their superiors. Nor is there any evidence of their having abandoned *it*: but certain it is that when no longer allowed to act for Lord Stourton in the management of property, they enlisted themselves in the service of those who, in Religion, were rather prominently opposed to Lord Stourton and the Abbess of Shaftesbury: for the elder Hartgill had the care of the Protector's woods at Maiden Bradley, and John Hartgill was in the service of Sir John Thynne.

LOOKING at the case generally, it should not be forgotten that the Narrative of the Murder is a one-sided statement, and that, on the side of the Hartgills. For 300 years this story has remained unsifted, and we have now no means of hearing the counter-statement except by casual gleaning from the newly-discovered papers. From them it will appear that the Hartgills had been to Lord Stourton a continual blister: that being, unluckily, his nearest neighbours, and falling into, if not courting, collision with him, they made matters worse by insulting language and acts of defiance. To a fiery-tempered man this was intolerable, and were his pre-

tensions ever so just and reasonable, he was sure to spoil all by taking the law into his own hands.

It would be satisfactory even at this great distance of time, to be able to clear the name of an English nobleman of ancient lineage from the stain of deliberate murder and to attribute the crime to a furious passion of the moment. But it is not very easy to bend the facts in that direction. Irritable enough he was, and he knew it: for in a letter written, even to so high a personage as the Protector Somerset, in the very first year of open quarrel with Hartgill (1549) he drops a very significant hint that he was no man to be trifled with and could not answer for what he might do. "I humbly beseech your Grace to stand so much my good Lord that I may not be subject unto such an one" (as Hartgill) "*and that I may not be tempted, neither any of mine, to show the frail work of Nature.*" (See No. 30). With so sensitive a temperament he had but to put his hand to his side, and there, in those days, was the steel rapier ready at a moment's notice to reply to an insult, once for all: just as the wasp buzzing long about the ears and eyes, chuses for its smart some exquisitely tender place and is rewarded with a crush. But in this case there was deliberate proceeding: a trap was set: and traps are not set without design. In order to get the persons of his enemies into his power Lord Stourton went to Kilmington by arrangement, and with the professed intention of paying the damages awarded against him. The others coming out to receive it were violently carried off. That this was for any other than the pre-conceived purpose of putting them to death, it would be difficult indeed to maintain.

Was he then a mad man? In his letters the reader will not fail to observe a certain originality and independence of character as well as some indication of a very determined and impetuous spirit. But neither in his letters nor in any other remaining evidence is there any token of mental derangement.

Guilty we must pronounce him: but the French would have added, "with extenuating circumstances."

## DOCUMENTARY EVIDENCE.

After the account of the Murder and a general explanation, so far as known, of the causes that led to it, we come to the Letters and other Documents (besides the few already given), that have lately been discovered at Longleat and in the Record Offices. In one or two instances, the originals being of great length, the substance only has been extracted. Their connexion with the Story will be explained, so far as possible, and where there is no commentary it must be taken for granted that nothing further is known.

Of those which now follow (in chronological order, as well as the case will permit), the earliest, from No. 16 to 20 both included, relate to transactions in the time of Charles's Father, William Lord Stourton, who died about October 1548.

The first of these, No. 16, dated A.D. 1540, seventeen years before the murder, shows not only generally the lawless manner in which private quarrels were in those days settled, but more particularly (if the facts deposed to were true), that the two Hartgills had not been more scrupulous than their neighbours in the use of weapons, and that upon one occasion they were only saved from committing manslaughter, if not murder, by the interference of a stronger force. Horace says that in the early ages of the world,

“ For caves and acorns, then the food of life,  
With nails and fists men held a bloodless strife ;  
But, soon improv'd, with clubs they boldly fought  
And various Arms.” (1. Sat. 3, 100.)

But at Kilmington (and not there only), even in the 16th century of the Christian era, “clubs and various arms” were, as Document No. 16 shews, still used as convincing arguments for proving a man's title, not indeed to the primitive acorns, but to the animal on which, by that time, the luxury of eating them had devolved. The Hartgills, it will be seen, were quite prepared to break their fellow-parishioner's head for the sake of a hog, and that too, in the opinion of one deposing witness, under the most unjustifiable circumstances, for “they had (he says) already more brawn in their

house than the next three parishes could eat at one meal!" The document (here much reduced in length) is thus marked on the fly-leaf, "This Boke containeth the matter between Argill (Hartgill) and Richard Zouche Esq." Mr. R. Zouche was son and heir to John 9th Lord Zouche.

(No. 16.) 1540, April 8, Depositions taken at Bruton before Sir Giles Strangeways Kt., Sir John Horsey Kt., Sir Hugh Paulett Kt., Nicholas Fitz-James and George Gilbert Esqrs.\*

"Thomas Amys off South Bruham, co. Som. saythe that one John Webbe als Smythe being servaunt to William Hartgell of Kylmyngton aboute ix yeres past with one John Crase, John Bryant and oders, did stele a mare with a colt of the price of xxvjs. viijd. of the goodes of this deponent, for which felonye the said Crase was arraigned and put yn execucon at Yevilchestre, and Crase at the tyme of his deth didd confesse that John Webbe was the principall doer of the stelynge of the mare and colte, and Bryant toke sanctuarij for the same felonye at Charter housse Witham, and ther beyng, confessed the like mater for Webbe and hym selff as Crase before confessed; and apou knowlege that Crase was taken for the same felonye, Webbe fledd the contrey for it. And sithen that tyme apou boldenes of Hartgill, Webbe hathe dyvers tymes resorted yn to this countrey and hath byn maynteyned by the seide Hartgill yn his house at dyvers tymes." Being a witness against Webb, the deponent was arrested under a warrant "granted by (Wm.) Lorde Stourton and thereapon was put yn the stockes by the space of iiij howres, being ther extremly thretenyd and ynforced by the same to fynde nywe sewertyes for the peace and also paide ther iiijjs. for his fees or he cowlde departe.

"Henry Moore alias Smithe of Kylmyngton saithe apou his othe that the seide Hartgill and his sonnes Wyllyam and John hathe dyvers tymes layen yn a wayte and pykked quarrelles to this deponent, and made dyvers assaultes as well ageyn him as agayn som of his servauntes, yn so moche that Willyam son of the said Hartgill did chace this saide deponent with his swerd drawn, the

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\* Star Chamber Proceedings, Henry VIII., vol. ii., pp. 24—30.



Thursday after the feste of the Epiphanye of oure Lorde last past, at whiche tyme this said deponent was rescued from the said Willyam by oon James Adamps then servaunt to this saide deponent; and then the said Willyam Hartgyll the yonger did hurt the said James upon the arme with his sworde, wherapon Hartgill was bound over to keep the peace, but nevertheless upon the iii<sup>d</sup> day of Marche last past, the seide John Hartgill and Willyam, sonnes of the saide Hartgill thelder, did assaulte this deponent with their swerdes and an otter-speare, he beyng then at the ploughe aboute his busyness; the saide John Hartgill did strike at him with the saide otter-speare as he wold have fledd from theym upon his horsse, but he then escaped from theym with moche daunger.

“And ferder that about the fest of All Seyntes last was twelve monethis, oon Edward Huntley, Richard Carpynter, and John Goold then servauntes to the seide Hartgyll the elder, did steale a sowe of this saide deponentes yn a place called the Holt. John Lambart of Kylmyngton forsaide did see theym take the saide sowe with a mastyff dogge, of whiche mater the said Lambert gave knowlege prively to oon S<sup>r</sup> Willyam Southey, preste belongyng to the seid Hartgyll, and to oon John Lopham to th’entent that som good ordre myght be taken theryn by the said Hertgyll withoute ferther busynes, wherapon the said Lambert hadd afterward a heffur hurt in the legg, and an oxe likewise hurt yn the legg, and he hymself was afterward hurt and put yn daunger of his lyffe by the said Edward Huntley.

“And ferder Richard Carpynter saide to the wiffe of this deponent and to one Humfrey Smythe, that ‘his master Willyam Hartgyll hadd in tubbes, fattes, and standys more brawne then iij the next parishes coude ete at one meale;’ and the saide Carpynter ynsued and folowed, with a naked knyffe drawen yn his hand, ij boores of this seid deponentes, and more he knoweth not.

“John Lambert of Kylmyngton was servaunt to William Hartgill when the mare and colte of Thomas Amys was stolen, and at the same tyme Webbe was servaunt to Hartgyll, and after Crase was taken for the stelyng of the mare, Webbe by the space of xiiij daies or

more kept hym selff prively yn the wooddes of the forest of Selwodd and somtyme comyng to the seid Hartgilles house yn the nyght tyme, and ymediatly after Webbe fledde oute of the contrey for v or vj yeres and was not seen yn the countrey ageyn by all that space, for this deponent contynued yn the service of Hartgyll ij yeres next after the seide felonye comytted. The deponent was also arrested by a warraunt made by the Lord Stourton, and put yn stockes by the space of half a day immediatly after th'assises by the procurement of Hertgill, and there was compelled to fynde nywe sureties and paide for his fees iijs. vjd. Further, on Sunday last past he delyvered a lettre from S<sup>r</sup> Giles Strangwayes and other the Kinge's Comissioners to William Hartgill for his apparaunce before them apon these causes, wherapon Hartgill saide to him 'Iff thou wyn by this, thou shalt never lose by no bargayn that ever thou shalt make.'

"Thomas Rastall of Stavordell said, that Webbe who was an arrant theffe, when he came back yn to the countrey kept him selffe prively in the day tyme and was supported in the howse of the said Hartgill yn the night tyme, wherapon the seid Mr. Richard Zouche did send this deponent with on Edward Morice and others to apprehend the seide Webbe being then yn the housse of Hartgill, wherappon hering that Webb used to be every mornyng yn the Holt adjoyning to the forrest of Selwodd, they went to siche place as they supposed the seide Webbe wold goo towards the Holt, thynking that oon of them shuld fetch the constable of Kylmyngton to assist theym, and ther goyng yn ther way they mett with Webb, and then this deponent saide to him 'I arrest the of felonye,' and with that the seide Webbe turned from hym and drew oute his swerd and buckler and cast a foyne at hym backward wherewith he strake this deponent through the cote under his arme, and then this deponent and his felowes didd take Webb and lefte him to his other felowes, under arrest.

"Edward Morice of Stavordell saith that when Webb was arrested Hartgill came with divers other persons to the number of xiiij, with bowes and arrowes and oder wepons, and som of theym beyng harnysed, did forcibly take a way the seide Webbe from this depo-

deponent and his felowes, albeit that this deponent didd opynly say to Hartgill that Webbe was arrested by the comaundement of the Kynges Justices. Hartgill then made awnswere and saide that 'Webb was his servaunt and wee shuld not have hym,' and with that Hartgill bade them that were with hym yn his party to 'schute at Mr. Zouche his servauntes and kyll them,' and so toke the seide Webb from this deponent and others contrary to our willes.

"Robt. Vynyng of Wincanton deposed that Hartgill caused ij bandogges to be sett on this deponent and his fellowes, to the'ntent to have their purposes aforsaide.

"Richard Wynsloo off Pen was servaunt and under keeper to Willyam Hartgill yn Brucombe yn the forest of Selwodd, and said that William Hartgyll th'elder Willyam and John his sonnes and John Webbe his servaunte, hath dyvers tymes forestallid and kyllled the Kynges dere yn the said forest to a grete numbrey; and ferder sayth that he fownde Huntley and John Frowde servauntes to Hartgill, where they hadd kyllid a bore with ij bandogges and put hym in a sack and caried it to the housse of the seid Hartgill.

"Item that Willyam Hartgill seide to this deponent that he hath hadd keepers byfore hym that hath brought hym a carte loode of wylde boares yn one yere.

"James Adamps of Kylmyngton deposeth that Willyam Hartgill and John his son, made assaulte apou this deponent yn the churche yarde of Kylmyngton, and the seid John Hartgill strake hym with his daggar, and the seide Willyam strake at hym with his wood knyffe and put hym yn jeopardie of his lyffe, saving that good rescue was had of honest persons that were present.

"Gyls Strangwayes, John Horsey, Hug. Paulet,  
Georg Gilbert, Nycholas Fitzjames.

*Ex parte William Hartgill.*

"Richard Adamps of Bruton saith that aboute x or xj yeres past he hadd a dun geldynge stolen at Bruton by oon John Bayly als Smythe, and that to his knowlege Webbe was not privey to the stelyng of the seide horsse.

"Thomas Crase of North Bruham saithe that he herd Crase and

Bryaunt say that Webb did stele wyne owte of oon Wykes's wayne but he knoweth not how moche it was, and this was don aboute ix yeres past.

"Willyam Leversage of Kylmyngton herd Webb say the morrowe after that he was hurt yn the Grove besides Hartgilles housse, that certeyn of Mr. Richard Zouche is servauntes did set apon the seide Webb the day before, and badde hym yeld hym thiffe, and he defended hym selff the best he coud, wherapon he was hurt, and ferder saithe that Webbe was with Hartgill yn service by the space of a yere, after that Crase was put yn execucion and there contynued till he hurted oon Water Gullofer, then he gave hym warnyng to avoyde his service, and more this deponent knoweth not.

"Gyls Strangwayes, John Horsey, Hug. Paulet,  
Georg Gilbert, Nycholas Fitzjames."

THE next document is the letter referred to above p. 244.

(No. 17.) c. 1541. From Walter Devereux, Lord Ferrers, to William Lord Stourton, on receiving payment for the Manor of Norton Ferrers, &c. (*Original at Longleat.*)

"My very good lorde, In my right hartie wise I recomende me unto yo<sup>r</sup> good lordshipp: it maye lyke yo<sup>w</sup> by thessame to be advertysed that I have receyved by th'ands of yo<sup>r</sup> servt. Willm. Hartgill this bero<sup>r</sup> the som of xxvi hundred marks sterlyng in full contentation and paiement for the Sale I have made unto yo<sup>w</sup> of all my lands in Somersett Shire, as shall appere by the Endenture und<sup>r</sup> my signe manuall and Seale, the count<sup>p</sup>ayn therof remayning with me under yo<sup>r</sup> sygne and seale; and have signed and sealed all suche wrytyngs as he hathe brought unto me. And so the sayd lands ar to yo<sup>w</sup> and yo<sup>rs</sup> for ev<sup>r</sup>, and nother I nor any of myne can hereaft<sup>r</sup> mak clayme therunto, as knoweth Almighty God, who preserve yo<sup>r</sup> good lordshipp long here to continew in helthe with mucche encrease of hono<sup>r</sup> to yo<sup>r</sup> gentell herte's desyre. From Bewdeley the xiiij<sup>th</sup> Daye of July.

By me yo<sup>r</sup> frend assured  
WALTER DEVEREUX,  
LORDE FERRERS."

"To the right honable his very good lord my Lord Sturton his good lordshipp, be theis geven."

Then follow two letters from William Lord Stourton, during his absence on the French expedition, to William Hartgill at that time his Steward. In the first, the wife referred to was Elizabeth



Dudley, resident at Hartgill's house at Kilmington. (See above p. 245.) The letters are without date of year, but they must have been written within two or three years of his death in 1548.

William, Lord Stourton to William Hartgill.

(No. 18 *Original at Longleat*), c. 1546. "HARTGILL. I wolde you shoulde sett upon my newe barne so soone as you may gett masons bycause the Worke is greate. I thinke the tymber worke muste be all newe for the old ruffe will not serve in bredethe as I here saye. Marre not my barne for lack of bredethe. I will have hym xxx foote wythin the walles. Let myne owne men whiche have borde-wages help sometymes. I am not contented that my wiffe doth goo so farre a brode as I here saye she dothe. Yf my cusen Richard Zouche\* do cum to youe for any money lett hym have xl pounds, so that he wyll bynde his lands . . . for hyt to be payde at a daye."

From Newhaven† the seconde off Marche.

"Your lovyng master,

"W. STOURTON."

"To my trustye Servante

"William Hartgill."—Seal, the arms of Stourton.

(*Docketed by Charles Lord Stourton.*) "My fader's lett<sup>r</sup> to Hartgill for the buylding of the barn."

From the second letter, it is clear that there must have been some intermediate correspondence, not forthcoming: that reports had been reaching William Lord Stourton unfavourable to Hartgill's character for trustworthiness: and that, whether well or ill-founded, they had produced a remonstrance from his Lordship. This letter is certainly a very remarkable one: throwing strong light upon the position of affairs when, very soon after it was written, Charles Stourton succeeded to the estates.

The same to the same.

(No. 19, *Original at Longleat*), c. 1547-8.

"Hartgill. Whereas I sende yow worde yn my laste letters that yow weare not so trustye unto me yn my absence as I thowght yowe to have ben, I fynde daylye by trewe reporte made unto me that yowe seke youre owne gayne more then my comodytie and honor, but I entende to take an accompte of yowe (whyche I never yet dyd) at my nexte comyng over: then shall I trye your honestie. Yow have receayved the whole profyts of my landes synce I departed firste oute off Inglande, and youe saye my barne standethe me yn

\* The words underlined are struck out with the pen apparently at the time. This is the R. Zouche mentioned in Document No. 16. From some Star-chamber Proceedings, 1 or 2 Edward VI. (1547-8), it appears that Hartgill as Steward, had been obliged to complain against Mr. Zouche for depriving of their rights of Common, &c., some of Lord Stourton's Tenants in his Manor of Roundhill, co. Somerset. Possibly this may have occasioned the erasure of Lord Stourton's intention to lend Mr. Zouche the £40.

† Not New-haven in Sussex, but "Newhaven in France," meaning Havre.

grete charges, but I trust not so grete. Also yowe put yn newe men at youre plesure as thoughe my olde servaunts were not worthy truste. You have made Harry Sethe and John Butler chief contrrollers over my men, and Harry Sethe makethe a high waye ynto my Parke and carieth my haye awaye by nighte whiche shulde serve to preserve my dere. Also yowe have sett yn a newe Keper ynto my Parke wythout my knolege by meanes whearof I have lost a C dere, and more. Wherfor I comaunde yowe to avoyde hym oute of the parke agayne. I wolde yow shude send for my sonne Brent \* and cause hym to remayne at Stourton untill I come home, for I here saye he dothe lytle goode by hys rayking abrode and specially to Syr William Carent's: Also at youre next beinge at London I wold yow shuld repayre to my daughter Clynton,† and tell her for a directe answer that I nether maye nor will lett my farm of Henton‡ to any bodey. Yf I do she shall have her requeste, but yowe knowe I entende to kepe yt for my provision after Collins yeres be expired and so aunser her: and as for the matter in the ende of your letter, tell her she shall not nede to care for my dishonour.§ I wolde yow shuld see better to my profytts then the reporte ys made. I wolde be sorry to find them all trewe. From Newhaven the xxi<sup>th</sup> of June.

“W. STOURTON.”

“To my trusty Servaunt William Hartgill.” Seal as before.

(Docketed by Charles Lord Stourton,) “My fader's lett<sup>r</sup> to Hartgill.”

## PROCEEDINGS AFTER WILLIAM LORD STOURTON'S DEATH; MRS. AGNES RYCE, &c.

William Lord Stourton, being still absent from home, died on the 16th September, 1548. This appears from an Inquisition post mortem held by Commission on the 22nd Nov. following, at the Castle in St. John's Street, London. He possessed at his death a house and garden with ten acres of arable and ten of meadow in the city of Westminster, and nothing else in co. Middlesex. His son and heir Charles was 24 years old and more.<sup>1</sup>

(No. 20.) Will and Codicil of William Lord Stourton.

In the name of God Amen, 8 Sep. 1548, 2 Edw. VI. \* \* I William Stourton Knight, Lorde Stourton Deputie Generall of Newhaven and the marches of the same being sicke of bodey and parfytt of remembraunce, utterly revoking and

\* i.e. His son-in-law, Richard Brent who married Dorothy, youngest daughter of William Lord Stourton and Elizabeth Dudley.

† Ursula Stourton wife of Edward Clinton, Earl of Lincoln.

‡ Henton St. Mary and Margaret Marsh, Chapelries in the Parish of Ewer-minster, co. Dorset, Hutchins's Dorset, ii., 201, (*Old Ed.*)

§ Probably some allusion to Mrs. Agnes Ryce.

<sup>1</sup> I. p. M. Chancery Series, 2nd part, 2 Edw. VI., 35. Among the “Particulars of Liveries” about this date, Charles Stourton is said to have been thirty years old at his father's death in Nov., 1548. This would make him nearly thirty eight and a half years old at his own execution in March 1557.

refusinge all former willes by me heretofore made or ordeyned, ordeyne and make this my onely Will and last Testament in maner and forme following. First I give and bequith my soule to Almightye God my onely maker and Redemer, and my bodye to be buried where it shall please God. Item I give and bequethe to my doughter Clynton two silver pottes to the value of twentie poundes. And I give also to my doughter Brent two other silver pottes of like value of twentie poundes to be caused to be made by my executor, all which with my armes and name upon them, I will and ordeyn that my said executor shall deliver unto my said doughters within one quarter of one yere next ymmediately following after my death, to th'entent every of them may have the better remembraunce to praye for my soule. Item I do give and bequethe to M<sup>rs</sup>. Agnes Ryse doughter to the Countie my Lady Bridgewater, all my plate of silver gilte or pcell gilte nowe remaining at Newehaven here in her kepege or custodie, with also all my beddes and other stuf of houshold moveable and unmoveable in all places remayning within my mannour or Lordshippe of Stourton as well corne and hey as all other necessaries for husbandry and household. And also I give and bequethe to the said Agnes Rise two hundredeth of my best wethers going at Stourton aforesaid, ten oxen, xij kyne, one bull, three of my best geldinges to be taken at her choise with th'apparell to them belonging; and also I give to the said Agnes all my corne as well presently growing, as in my barnes, garnettes or other places within the said Lordshippe of Stourton or otherwise provided for my household there. The residue of all my goodes not bequeathed I give and bequeath to Charles Stourton my eldest sonne whom I make sole executor of this my last will and testament: and be bestow for my soul's health as conscience and reason shall require, but yf the said Charles dye before me, then I will and ordeyne my next heyre to be myne executor in maner and forme above wrytten. And I ordeyne and make overseers of this my last will and testament the Lord William Hawarde and S<sup>r</sup> John Bridges Knight now deputie of Bollen, and to everie of them I give and bequethe tenne poundes sterling. In witnes wherof to this my saide last will and testament, I have subscribed my name with myne owne hand and also my seale the daye and yere above wrytten WILLIAM STOURTON.

## (Codicil.)

In the name of God Amen, this Codicill annexed to this my testament and last will made 9 Sep. 1548. \* \* \* Besides and above all my bequestes and legacies expressed and specified in this my said testament wherunto this my said codicill ys annexed, I will and ordeyne by the same that my servantes nowe resident and remayning in household with me especially such as be my olde servauntes, shall have during every of there lives such wages with meate and drinke as they and every of theym have presently of me, yf they will serve my sonne Charles Stourton, and suche other my servantes as have bene with me but one yere or two and will not serve my said sonne, I will that they and every of them shall have one hole yere's wages and so departe where they will. Item wheare in this my saide Testament no mencion is made of my cattell, houshold stuf and other goodes moveable and unmoveable, nor also of such debtes as be due unto me, I will and ordeyne by thes presentes that M<sup>res</sup>. Agnes Ryse mencioned in my said testament shall have, possess, and enjoy



to her only use all my said cattell, household stuf and other my goodes moveable and unmoveable that I have on this side the see, together with all suche debtes as be due unto mee here or elles where, whereof the said Agnes Ryse hath a boke and notes, except onlye twentie poundes lent by me to William Fantleroy which I will he shall not paye to any parson if I chaunce to dye before he paye the said some unto me. Item I will and ordeyne that my servaunte Henry Barnes shall have the revercon of certeyn grounde that Thomas Kemys of Curtlington in the countie of Dorsett nowe holdeth of me, lyenge in Buckhorne Weston, to have and to holde to hym for terme of twentie yeres without payinge any fyne or any thing for the same. Item I give and bequethe to Joan Fauntleroy and Anne Townley my maydens to eche of theym twentye poundes. In witnes wherof we Sir William Pyrton Knight, Porter of Newehaven, John Aster gent, baylie of the marches of Newehaven, Doctour Marten Cornbecke, Sir William Fowler Clerke, William Paynter Surgeon, have enterchangeably set our hande and seales the day and yere above written : William Perton, John Aster, William Painter, Martin Corenbeckus Medicus, Gulielmus Fowler sacellanus.

The above Will and Codicil are from the Register "Wrastley 24." In an earlier Register "Populwell 17," there is another copy of the same Will and Codicil, precisely corresponding, but to that copy is appended the following official Act.

"Decimo quinto die Novembris A.D. 1548 emanavit commissio Dno Carolo Stourton, Militi, Dno. Stourton (in) hujus-modi testamento nominato ad administranda bona, jura et credita prefati defuncti *ad viam intestati* decedentis, eo quod idem Dnus Carolus oneri execucionis testamenti renuntiavit, &c. De bene, &c. Et de pleno Inventario, &c., exhibend', ad Sancta Evangelia jurat'.

[i.e.] On the 15th November, 1548, a commission issued to Charles Lord Stourton to administer to the goods, &c., of the deceased *as if he had died intestate*, the said Charles having renounced the executorship.

In the Original Probate Act Book is the official entry of a subsequent Probate Act, the substance of which is met with at the end of the Will in "Wrastley."

"15<sup>to</sup> Julii 1557, emanavit commissio *Dne Anne Stourton vidue* ad administranda bona, &c., Dni Willielmi Stourton militis defuncti, dum vixit Dni Stourton, per Dnum Carolum Stourton Dnum Stourton etiam defunctum non administrata juxta tenorem testamenti de bene, &c., ac de pleno Inventario, &c., jurat'.

[i.e.] On 15 July 1557, a commission issued to the Lady Anne Stourton widow, to administer the goods, &c., of William Lord Stourton left unadministered by Charles Lord Stourton also deceased.

This "Lady Anne Stourton, widow" was Anne (Stanley), widow of Charles Lord Stourton, and the commission was granted to her nine years after the death of William Lord Stourton, and three months after the execution of her husband.



Under his father's Will, of which Charles Stourton was Executor, all the plate, jewels, debts and other valuable personalty were given to one "Mistress Agnes Ryce." To this person, so favoured, may probably be attributed much of the trouble in which he afterwards became involved. He was indignant at the position in which the Will, if carried out, would have placed him: he accordingly renounced the executorship, and obtained administration as of the goods of an intestate, intending thereby to defeat the bequest to Agnes Ryce. As this grievance forms a new and material feature in *his* history, it is necessary to enquire into her's.

Thomas Howard second Duke of Norfolk (who died 1524) had by his second wife Agnes Tylney several children, and among them a daughter Lady Katharine Howard, being his seventh child. About this Lady Katharine little seems to be known. Edmondson in his pedigrees of Howard strangely omits the whole of this second family, except the eldest son Lord William Howard (named above as one of the Overseers of William Lord Stourton's Will) afterwards (1554) created Baron Howard of Effingham. In the rare and valuable folio vol. called "Indications of Memorials, Monuments, Paintings, &c., of Persons of the Howard family, by Henry Howard Esq. of Corby Castle 1834,"<sup>1</sup> nothing is said about this Lady Katharine Howard, except that authorities are not quite agreed as to which was her first and which her second husband. But it is generally received, that she married 1st, Sir Griffith Rhese or Ryce K.G., (sometimes called Rhese ap Thomas): and 2ndly, Henry Daubeney, Earl of Bridgewater who died without issue in 1548. Hence her title of "Countess of Bridgewater." She appears to have been residing for some years at this period at Stourton Caundel in Dorsetshire, one of the Stourton Estates.<sup>2</sup>

<sup>1</sup> A copy of this work, being the Presentation copy from its author to Louis Philippe, King of the French, is now in the Library of Sir John Neeld, Bart., at Grittleton House.

<sup>2</sup> In a MS. account of Wm. Lord Stourton's Rents is the following entry. "Cow-hire. For the rent of mylech-kyne letten to my Ladie Bridgewater at Caundel at vis. viiid. the cowe, xls." It will be recollected that it was to this house Charles Lord Stourton went from London, just before he appointed the Hartgills to meet him at Kilmington. See above p. 248.

By Sir Griffith Ryce she had the daughter Agnes, named in the Will above.

It has been frequently stated that Agnes Ryce was the second wife of William Lord Stourton. Collins (Peerage), Sir R. C. Hoare and others (simply copying Collins) represent her as such, and as having had no issue by him. But Sir Harris Nicolas, (in *Testamenta Vetusta*, p. 729,) observes that "from the manner in which she is described in the Will as 'Mistress (i.e. Miss) Ann Rhese,' she could not have been his wife at the date of the Will 8th September 1548" (only a few days before his death); and he adds that "unless Lord Stourton had married the Countess of Bridgewater, and the said Mistress Anne Rhese was the Countess's daughter by her first husband Sir Griffith Rhese K.G., the inference to be drawn from William Lord Stourton's bequest to, and description of her, tends to raise a suspicion by no means favourable to Agnes Ryce's memory. William Lord Stourton, the Testator, died shortly after the date of the Codicil to his Will, and it consequently may be concluded that M<sup>rs</sup>. Agnes Ryce never became his wife. Whether the Countess of Bridgewater was the second wife of William Lord Stourton has not been positively ascertained."

This last supposition appears to be groundless and may be dismissed: but what Sir H. Nicolas says about the maiden name is to a certain extent corroborated by the fact that the same name is found upon another occasion where her married name, had she been married, might naturally have been looked for. After William Lord Stourton's death Agnes became the wife of Sir Edward Baynton of Rowdon near Chippenham: yet in the Baynton pedigree she is not called Lady Stourton, widow, but merely, as in the Will above M<sup>rs</sup>. Agnes Ryce. This however, though unusual, is not conclusive; nor is the way to any conclusion yet quite clear. For it has been lately discovered that Agnes Ryce, during her own life-time, produced witnesses in the Court of Chancery to depose to the fact that she was *married* to William Lord Stourton.

She had by him a daughter who, by the name of Mary Stourton, was afterwards married to Richard Gore of Alderton co. Wilts. Now it happened that the great-grandson of Richard Gore and

Mary Stourton, was Mr. Thomas Gore the writer on Heraldry, who with very great diligence compiled and in 1666 completed a MS. History of the Gore family with proofs and testimonies most precisely drawn out. At page 140 of the volume (now in the possession of G. P. Scrope Esq., of Castle Combe), Thomas Gore produces the following proof that his ancestor Mary, daughter of William Lord Stourton and Agnes Ryce, had been *legitimately* born.

"William Lord Stourton was married unto the said Agnes on Wednesday the sixth day of January in the 37th year of the Raigne of King Henry the 8th. Anno que Domini 1545 (? 1546) in a certaine chappell within the mannor of Stourton aforesaid, by one Sir Richard Harte then parson of the parish church of Weston Stourton within the County of Dorset." \*

In the margin of his MS. Mr. Gore gives his authority for this statement: viz., "From the depositions of certain witnesses on behalf of Agnes Rice *versus* Charles Lord Stourton in the Court of Chancery, in Edw. VI." ("Ex depositionibus quorundam ex parte Agnetis Ryce contra Dominum Carolum Stourton in Curiâ Cancellariæ temp. Edw. VI<sup>ti</sup>." <sup>1</sup>)

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\* Weston Stourton: now called Buckhorn Weston. "William Harte, Presbyter, was presented to the Rectory by William Lord Stourton and instituted 28 May, 1540. [Hutchins's Dorset, Old Ed., vol. ii., p. 331.]

<sup>1</sup> Agnes Ryce afterwards married Sir Edw. Baynton of Rowdon near Chippenham, Kt. by whom she had 13 children. She died on Thursday 19th August 16 Elizabeth (1574), and was buried in the Baynton's Aisle in Bromham Church Wilts. (See Kite's "Wilts Brasses," p. 63.)

In the Gore Family Register above quoted are also two deeds relating to the marriage of Richard Gore and Mary Stourton. By the second of them, in 1573 in right of Mary his wife, Richard Gore appointed William Askew his Attorney "to enter into all those lands, &c., in Wilts, Somerset, Gloucester, and Dorset, wherof William Lord Stourton deceased died seised, and which after his death did and ought to descend to the said Mary as *daughter and heir* of the said William Lord Stourton. Dated Oct. 9th."

Richard Gore (the husband), certainly seems to have considered his wife a legitimate daughter of William Lord Stourton; for in this last deed he is preparing, in 1573, to put forward her claim as "heir," to the Stourton estates. On what ground, is not quite clear. Possibly this. If William Lord Stourton's first wife Elizabeth Dudley had really been, before William Lord Stourton married her, the wife of his brother Peter (see note above p. 243) Charles Lord Stourton would have been illegitimate. Charles being attainted, and his son not being of age nor restored in blood till 1575, Richard Gore may have been anticipating a chance for his wife Mary Stourton. But Charles Stourton's



This at first sight looks like evidence of a lawful marriage. But now comes a perplexity. Before Agnes Ryce could be the *second lawful wife* of William Lord Stourton, the *first lawful wife*, Elizabeth Dudley, mother of Charles Stourton, must have been disposed of, naturally or legally; by death or divorce. Dead she certainly was not, but on the contrary alive and well, for some years after William Lord Stourton's death in 1548: of which we have the following evidence.

1st. In the Narrative of the Murder (above p. 245) it is stated that *shortly after William Lord Stourton's death (1548) Dame Elizabeth his late wyff was sojourning at Hartgill's house at Kilming-ton*, when Charles Stourton first went there to induce her to enter into a bond never to marry again. 2ndly. She *did* marry again notwithstanding: for there is a Recognizance in the Court of Chancery 4th July 1550, by which her son Charles was bound to pay £300 "to Edward Ludlowe Esq. and the lady Elizabeth his wife, *late wife of William Lord Stourton deceased*."<sup>1</sup> 3rdly. She survived her son Charles's execution (which was in the reign of Queen Mary, March 1557) and did not die until about 1560. This is proved by a letter (among the Longleat papers, see Document No. 68) written by Sir John Zouche to Sir Robert Dudley (her brother's son), addressed to him as "Master of the Horse to the Queen." The Queen to whom Sir R. Dudley was Master of the Horse was certainly Queen Elizabeth, and the letter must have been written before 1564: for in 1564 Dudley was created *Earl of Leicester*, so that any letter, written to him in or after that year, would have been addressed to him by his new title. Queen Elizabeth's reign having begun 17th November 1558, the letter must have been written between 1558 and 1564. In it Sir John Zouche mentions that the "old Lady Stourton is of late deceased and that her son Charles had been attainted "in the life time of his mother."

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legitimacy does not seem to have been ever questioned: and Richard Gore's wife got nothing. At least there is no subsequent entry in the Gore Family Register of any of the Stourton estates having been obtained by the Gore family.

<sup>1</sup> Close Roll, 5th part, 4 Edw. VI.



Wm. Lord Stourton's first lawful wife, Elizabeth Dudley, having therefore not been disposed of by death, had she been divorced? That she may have lived separate from her husband is, under the circumstances, not improbable, but of any actual divorce we have at present no information. There had certainly been none down to 1544, four years before Wm. Lord Stourton's death, for in that year a License was granted by the Crown to him and *the Lady Elizabeth his wife* to alienate to W. Hartgill some messuages, &c., in Hardington Mandeville.<sup>1</sup> She is also still called by himself "his wife" in the first letter to Hartgill from Newhaven (Havre) in France (Doc. No. 18. p. 276), in which he "is not contented that his wyffe dothe goo so far abrode."<sup>2</sup>

Under all these circumstances it is difficult to understand how Agnes Ryce could have been the lawful second wife of William Lord Stourton.

Agnes Ryce, having been present with Charles Stourton's father at the time of his death, kept possession of the jewels, plate, &c., then in the house. Charles Stourton brought an action against her, on the following charge.<sup>3</sup>

(No. 21.) Hilary Term, 4 Edw. VI., (January 1550.)

Charles Stourton Knt., Lord Stourton Administrator of all the goods, &c. of William Stourton deceased who died intestate, complains against Agnes Ryce in custody of the King's Marshal, that on the 28th October 1548 she took and carried away by force the goods and chattels which belonged to the said William Stourton at the time of his death, viz: three gold rings set with diamonds, one set with an emerald: another called a "Hoop," five others called "Gymmewes,"\* a gold brooch, one pair of napkins, a black cloak, two saddles, a "trapper" of black velvet, two reins, two short cloaks of sable skins, two daggers hafted and bound with gold and silver, two belts garnished with silver and gold, a silver basin parcel gilt, a silver ewer parcel gilt, all of the value of £40: and £100 in money; all belonging to the aforesaid William Lord Stourton at the time of his death, at Lambeth co. Surrey; and committed other damages against the

<sup>1</sup> Pat. 36 Henry VIII.

<sup>2</sup> By the phrase "so far *abrode*" is merely meant not that she went out of England, but was in the habit of paying visits at some distance from Kilmington where she appears to have been left under Hartgill's charge.

<sup>3</sup> Abstracted from the Latin. Coram Rege Rolls, Hilary Term, 4 Edw. VI. Rot. cij. dorso.

\* Gimmel rings: some say, from *Gemelli*, twins: a kind of jointed or double ring used as a betrothing token.

said Charles Stourton to the value of £500. And the said Charles produceth here in Court Letters of Administration to the said William Stourton. He therefore prays, &c. Agnes pleads not guilty. Jury summoned for Thursday after the quindene of Easter.\*

What the verdict of the Jury was is not stated: nor with mere fragments of information is it possible to form a connected story. But from the "Depositions in Chancery" above referred to, it appears that the litigants found their way thither: and from the minutes of the Council Book it is to be gathered that in this same year, 1550, the Chancellor (Stephen Gardiner) granted an injunction against Agnes Ryce: that Charles Stourton (most likely for some intemperate conduct in the affair) was committed to the Fleet prison: and that this dispute coming before the Council they reversed the Chancellor's decision, and on 28th October sent a letter to him accordingly. This being in favour of M<sup>rs</sup>. Agnes Ryce, she appears to have lost no time in acting upon it.

Under the Will she was entitled to certain farming-stock on the Manor of Stourton: and (if the documents are not misunderstood) she appears to have been authorized by the Council to go to Stourton House and take possession of the said stock: for, in July 1551 the Sheriff of Wilts, John Mervyn of Fonthill, was instructed to execute a Writ of Entry: Charles Stourton's own wife Lady Anne (Stanley) being at that time resident in Stourton House. Stourton himself was within the rules of the Fleet, but being probably suspected of an intention personally to oppose the Sheriff, he received on 27th July a warning letter from the Council at Hampton Court to appear before them at once, on pain of his allegiance. His wife however may have taken upon herself to resist, for opposition of some kind or other was reported to the Council.

(No. 22.) 21st July 1551. (*Council Book.*)

By letters from the Bishop of Sarum and other Justices of the peace in Wiltes unto Sir W<sup>m</sup>. Herbert Lieutenant there, it was declared that a reskewe was made by the L. Sturton upon the Shiref when he wold have executed a writ of entre upon assise for the manor of Stourton: whereupon the said Lord Stourton was sent for and being examined how he durst contempt the Kinges

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\* The Quindene or Quinzaine of Easter means the eight days preceding and the eight days following Easter Day.

officers and resist the lawes, denied that ever he made any resistance, offering to put his hande to any thinge the Council wold devise or require him to do in this behalfe: and upon that a letter was devised from him to my Ladie his wief and to his servants at Sturton, to suffre the Sheriff to do his duetie and they to avoid the possession quietly, which letter he subscribed: also another letter from the Council to the Sheriff declaring the Lord Stourtons conformation, and willing him to proceede in the execution of the writt and in case he founde resistance of force then with force the Sheriff to remove it, according to the ordre of the lawes, foreseeing that there be no spoyle of the Lord Stourton's goodes, but gently dispatched, &c.

And another letter to the Bishop of Sarum and the other Justices advertising them of the whole, and requiring them to assiste the Sheriff if need be.

Lord Stourton was then bound over in 1000 marks "to appear personally before the Council twice a week, viz., Tuesday and Saturday till he have further liberty:" but on the 29th July he was discharged.

But M<sup>rs</sup>. Agnes Ryce was not to reign long in Stourton House, for it appears that a lease of it and of the Manor had been granted by the owner to a Mr. Fauntleroy,<sup>1</sup> who with his wife had been turned out, together with the Lady Anne, on M<sup>rs</sup>. Agnes coming to take possession of her goods and stock. The Sheriff had exceeded his commission: whereupon, dated the day before Lord Stourton was set free, followed

(No. 23.) 28th July 1550. A letter to the Sherif of Wiltes that if he have dispatched (i.e. deprived) Fauntleroy and his wife of their possession in the fearme of the manor of Stourton which he had none authoritie to doe, that then he should see them restored againe and leave them in as good case as he found them: as appeareth by the minute. (*Council Book.*)

It now became Mr. Sheriff Mervyn's duty to re-instate Mr. Fauntleroy, but upon proceeding so to do, the Lady in command of the garrison, M<sup>rs</sup>. Agnes, barred the gates, denied all entrance and threatened death to the first intruder. Upon this occasion William Hartgill appeared as her upholder, and used some

<sup>1</sup> The Fauntleroyes were a Dorsetshire family of Fauntleroy's Marsh near Stoke (Hutchins's Dorset ii., 353, Old Edition), but they had some property in Wilts. Edward 5th Baron Stourton, grandfather of Charles, married Agnes Fauntleroy: and in Stourton Church there is a monument to them, without inscription. A plate of their effigies is in Hoare's Modern Wilts, "Mere" p. 45. In 1551 William Fauntleroy and Cecilia his wife presented to the Rectory of Stourton for that turn. (Ditto 169.) These must have been the Lessees mentioned in the text.



insolence towards Mr. Fauntleroy. Complaint was forthwith made to the Council, and letters were also sent up from the rival party. The Council required an impartial report of what took place to be laid before them; and the next document is that report, signed by seven of the neighbouring gentry and others.

(No. 24.) 1551, 31st July. Roger Basyng and others to the King's Most Honourable Council.<sup>1</sup>

It may please yo<sup>r</sup> honorable Lordshipes to be advertised that upon the request of Mr. Fauntleroye to thentent we shulde reporte the troythe as well yn the demeano<sup>r</sup> of the Shirif upon the recepte of your honorable letters as allso the demeano<sup>r</sup> of the sayde Fauntleroye, we repaired to Stourton the laste daye of July whereat we found the Shirif and then the Shirif came to the mano<sup>r</sup> place of Stourton and found the yeates faste barred beyng kept by force with gunes, bowes, and other weapons, and ymediatly after, William Hartgyll then beyng present, after that he had secret comynyeacon with the Shirif, came unto the gate and there secretly disclosid his mynde to the portar through an hole of the gate. Whereupon M<sup>es</sup>. Ryse came her self to the gate and caused it to be openyd: and the Shirif declared that he had received yo<sup>r</sup> honorable letters at the sute of the sayde Fauntleroye (but shewyng none yn our sight) declaryng unto the sayde M<sup>es</sup>. Ryse that he was comaundynd upon the sight of his lease to deliver hym the possession thereof, and that the Shirife's request was at the leste that M<sup>es</sup>. Ryse shuld be contentid yf Fauntleroye shulde put yn servauntes yn to the ground and a keper yn to the parke for the tyme: who made aunswer, (any letters notwithstanding) but that "if Fauntleroye or any other for hym wolde come upon the ground for any suche purpose he shulde never go oute of the same on lyve." She suffred the Shirif and his servauntes with Hartgill and others to come yn, peaseably to come yn, to the place, and kept Fauntleroye and all other oute: and there they remaynyd by the space of half an houre and more: and then came oute agayne: and M<sup>es</sup>. Ryse kepyng the gate hereself sayde "that she wolde kepe the possession thereof untill she were discharged by a lawe," (any letters notwithstanding.) The saide Fauntleroye then, having his lease yn his hande, offrid it to the Shirif, desiryng hym to execute his office accordyng to the purporte of yo<sup>r</sup> sayde honorable letters; who made awnswer and sayde "I have already seen yo<sup>r</sup> lease, but ye heare what M<sup>es</sup>. Ryse saythe, I will medle no more yn this matter withoute farder auctoryte." And then the sayde Fauntleroye beyng offended for that he sawe the rames \* of deare lying yn the base Court spoyled and eaten with dogges and brought oute of the parke of Stourton, the sayde Hartgill sayde "What! dothe this sight greve thee? thou shalt see xx or xl deare kylled theire yn one daye before thy face within this sevensnyght, and therefore grudge not at this:" and thereupon the Shirif departid, as knoweth the lyvinge Lorde who long preserve yo<sup>r</sup> honorable Lorde-

<sup>1</sup> State Papers Domestic., Edw. VI. vol. xiii. Article 32.

\* Rames, "the relics of a branch after the leaves are off. Ranex (*Devon*), the carcase or skeleton of a bird." Halliwell's Dictionary of Archaic words.



shippes. Writen at Bonham the laste day of Julij by yo<sup>r</sup> Lordeshippes to comaunde

ROGER BASYNG, RYCHARD SAMWELL, JOHN DYER, ROGER MAWDLEY,  
BARNABE LYE, JOHN OWEN, WYLLIAM STACY.

William Lord Stourton's Will was once more brought before the Court of Chancery and again Bishop Gardiner decided in favour of Charles Stourton. Mr. Chafyn of Mere was a debtor, in the sum of £40, to the estate of the testator. Agnes Ryce claimed it as part of the personalty. Mr. Chafyn paid, or pretended to have paid it to her, and producing her receipt as a discharge, refused to pay it to Charles Stourton, who thereupon filed a bill. In the Decree, November 1553, the Chancellor pronounced Chafyn and Agnes Ryce to have been guilty of covin, or deceitful compact, and condemned Chafyn to pay the debt to Charles Lord Stourton together with all the costs of the suit.

The Decree was as follows:—

(No. 25.) 18th Nov., 1553. Decree in Chancery, Lord Stourton and Thomas Chaffyn.\*

Where matter in variaunce hath longe dependid in this honorable Courte of Chauncery betwene the honorable Charles Stourton Knyght Lord Stourton, playntyf and admynyster of the goodes and catalles of Willm late Lord Stourton his father decessed on thone partie, and Thomas Chaffyn of Mere in the countie of Wilt gent. defend' on thother partie, for and concerning a certen debte of £lxxx due by the said Thomas Chaffyn unto the said Charles Lord Stourton uppon an obligacon wherein the said Chaffyn stode bounden unto the said William Lord Stourton for the payment of the said foure score poundes; \*\*\* It manyfestly appered unto the said Courte by dyvers witnesses brought in on the behalf of the said Lord Stourton complaynaunte, that the said sume of fourescore poundes ought to be paide unto the said complaynaunt as administratour of the gooddes and cattalles of the said William Lord Stourton his father as is afore-said, and albe it in the aunswere of the said defendaunte it is alledged that the said obligacon or dede obligatorie was delyvered by the said William Lord Stourton father of this complaynaunt to thandes of one Willm. Hartgill safely to be kepte to thuse of one Agnes Rise, to whome as it also is alledged in the said aunswere of the said defendaunte the said obligacon or dede obligatory was by the said William Lord Stourton by his last will and testament gyven, yett forasmoche as the said Charles Lord Stourton hathe disproved and made voyed the said supposed will of his father by *sentence diffynitive*, and for that also that it appered to this honorable Courte by dyvers wittenesses brought in on the part and behalfe of the said Charles Lord Stourton that the said Chaffyn confessed the debte and became debter unto the said Charles Lord Stourton for the said foure score poundes, though here in this Courte the said Thomas

\* Judgment Rolls, Court of Chancery, 5th part, Philip and Mary, Article 72.

Chaffyn shewed forth an acquyttaunce delyvered unto hym by the said Agnes Rise as he alleged for the discharge of the same foure score poundes, whiche seemed to be only doone by covyn betwene the said defendaunte and the said Agnes Rise.\*\*\* It is therefore this present 18th Nov. 1 Mary, by the right reverend father in God Stephen Bisshopp of Wynchester Lord Chauncellour of England and by the said Court of Chauncery, ordered, adjudged and decreed, that the said Thomas Chaffyn defendaunte, his executours, admynistratours, or assignes on this side the feast of Seynt John Baptyst next comyng, shall paye or cause to be paid unto the said Charles Lord Stourton complaynaunte, his executours, or assignes, the sume of fourescore poundes of lawfull money of England together with the sum of ——— for the costes and charges susteyned by the said Charles Lord Stourton in suing for the same in this courte. \* \* \* The Lord Stourton to give T. Chaffyn a sufficient acquyttaunce or discharge for the same.

Agnes Ryce does not appear again in this history, but in the above facts there is enough to show that she must have been a source of no small disquietude to Charles Lord Stourton. In order to tell without interruption all that we know of their dispute, we have been obliged to anticipate events, and must now return to the end of the year 1548 when his father died.

#### VARIOUS QUARRELS.

Hartgill's stewardship had begun to give dissatisfaction before William Lord Stourton's death, but that he had not been dismissed down to July. 1548 appears from a letter at Longleat written on the 21st of that month by a Mr. Shelden to Sir John Thynne, in which the writer mentions some information he had received "from a man sent by Mr. Hartgill for the despatch of my Lord Stourton's business." But he probably did not remain in office long after Charles's succession, for we find them at variance before the end of that year, in the case of

#### *The Kilmington Chaplain and his Wife Accused of Poisoning.*

All that is known about this is derived from two letters, the first of which was written by Mr. John Gamege Under Sheriff to Sir John Thynne of Longleat who was High Sheriff for the county of Somerset in 1548, and what he really intended to communicate to his Superior it has not been very easy to discover, for the original composition of Mr. Under Sheriff Gamege is written in a most illegible hand, in a style not by any means transparent, and with an entire and sovereign contempt for those humble but useful auxiliaries to meaning, commas and full stops.

It seems that a certain widow had lately lost her husband, and that Mr. Roger Basyng, a Somersetshire gentleman (whose name has occurred before) was, for reasons unknown, anxious that she should marry again, and marry some particular person in whom he was interested. Mr. Hartgill however had been beforehand with him, and had prevailed upon the widow to marry his Chaplain at Kilmington. Whereupon a report was set about (attributed in this letter to Mr. Basyng and his friends) that Mr. Hartgill's Chaplain and his new wife had poisoned the former husband. Lord Stourton, as a Magistrate, orders an inquiry, and sends a man of his own to take proceedings. The man attaches the Chaplain's goods, and (as appears from the second letter) takes the Rev. gentleman himself into custody. Hartgill then applies to the Sheriff of Somerset, Sir John Thynne, for a warrant to arrest Lord Stourton's man. The Under Sheriff Gamege goes with Hartgill to Wanstrow to execute it. On their way they chance to overtake the old father of the first husband supposed to have been poisoned. In order to find out from the old man what strength of evidence there was to sustain the charge of poisoning, Hartgill and Gamege (who must have presumed themselves to be personally strangers to him) pass themselves off as of the party anxious to convict the accused: and further, in order to throw dust into the old man's eyes, they speak of "Hartgill and Gamege" as mere creatures of Lord Stourton. The old father was at first a little suspicious; but upon their saying they would take no more trouble on his behalf if he would not help all he could, he placed his best facts in their hands. After hearing them, they treat the whole as frivolous and so report it to Sir John Thynne. Under Sheriff Gamege is evidently a strong Hartgill-ite and betrays ill will towards Lord Stourton's party: not forgetting to make against the Coroner an insinuation of partiality, which however will be more openly expressed by Hartgill himself in the subsequent letter.

(No. 26.) 1548, Dec. 17. John Gamege, Under Sheriff, to Sir John Thynne, Sheriff of Somerset. (*Original at Longleat.*)

"Ryght Worshipfull. Of my bounden dewtie thes shalbe to certyfie yow that immediatly after I had spoken with Mr. Hartgyll he wyllde me to goo with him to attach on of my Lord Stourton's men beyng then suspected of



felony which then had seased the goods of Mr. Hartgyll's prist to the use of the Lord Stourton, for that the said prist together with his wyff are also suspected of felonious murdre by murdering of the late husbonde of the seid prist's wyff, which suspicion sholde seme rather to growe of kankered malice of Mr. Horner, Fitzjames, and Basyng, partly because, as I am informed, the seid prist's wyff being wydowe wold not marie a servant of the seid Basyng at his request and partly because she married the seid prist at the request of Mr. Hartgyll then of any just cause or good profe. For the proff whereof yt may please you to understand that in riding to Wanstrowe where the seid Lord Stourton's servant was, we chaunsed to overtake the father (of the said man so supposed to be murdered) cumming from Mr. Fitzjames. Mr. Hartgyll, fayning hymself to be a friend of the said parties, magnyfyng them and with most vyle termes depravyng hymself, and I, my self, to be vendyd to my Lord Stourton, inquiring of hym what was the occasion of his first sute in that behalf? who half mistrusted us and wold have departed from us but we compelled hym saying, 'We came about the busines and the ayde, and if thou leave us we wyll leve thee,' but at length he trusted us so much that he declared the matter wholly, saying one Hill declared to hym that hys sone x dayes before he dyed dyd swelle a wonderfull bygnes; then seid Mr. Hartgyll, 'Made he no wyll?' he answered, 'Yes:' 'When?' said he. He answered, 'More than fower dayes before he dyed.' 'Well,' quoth Mr. Hartgyll, 'is this all ye canne saye?' he answered, 'No, for ij days before he dyed, she brought home Malmesey which she dyd warme at the fire and after gave her husband to drinke and after that threw away the pott;' with dyverse others as fonde and fryvolous as vayne and of none effect. 'Well,' sayed Mr. Hartgyll, 'then was it by your tale vi days after he was poysoned before he made hys wyll, and I pray thee what gave he his wyff?' he answered, 'He made her his executrice, and gave her all that he hadd, save onlie certen to his sone.' 'Then,' said Mr. Hartgyll, 'he thought not then to be poysoned by her I thinke.'" And further the seid father declared that a chyrurgeon was hyred to cumme and se the ded body beyng taken up and had iij. s. ivd. for his labors, which founde that his necke was broken, the whiche if it be trewe semeth rather to be done by some polycey than by the woman, for all the day before the man lay above the grownde, the Coroner syttyng upon hym, all men going by and beholding the corse, no man perseyving his neke to be broken, nother they that toke hym up nor none of the Coroner's Inquest, insomuch the said Inquest were determined to have acyquyt the said suspecth because they had no evydence concernyng the poysonyng, nothing mencyned of the brekyng of his necke. Whereuppon the Coroner of his hote charitie adjorned the Inquest uppon better advyse to gyve the verdict at an other tyme and left the corse, as Mr. Hartgyll sayeth, in the custodie of the mortall enymyes of the seid suspecth to be watched, and so agenst the morning the said surgyon provyded declared as ys aforesaid. And further Mr. Hartgyll sayeth that the said suspected can bryng sufficient wytnesses that were at the deth of the seid partie and continually three, or fower howers before hys deth, and sawe hym ded and alyve and after buried and lay fyve wyks in the ground nothing spoken nor mencioned of any such murdre pretended, and further at the comaundement of Mr. Hartgyll I have sent you herein inclosed the copie of the letters which Mr. Horner of late



sent to the seid Basyng. Thus your servant wisheth you prosperous success. From Kylmyngton the xvijth of December.

JOHN GAMEGE."

"To the right Worshipfull and his singler good Master, Syr John Thynne Knight, delyver thies."

In this affair Lord Stourton may have only have been doing what it was his duty to do—investigating a suspected murder.

The other letter upon this subject is

(No. 27.) 1549 January 1st. William Hartgill to Sir John Thynne. (*Original at Longleat.*)

"My bounden dewtie right lowly remembered. It may please you to be advertysed that according to your plesure I have, herein inclosed, send to you such certyficatts as ye wrote to me for, in every behalf to the beste of my poure accordynge to the truthe of every parcell in your gentle letters mencioned. And to the utterest of my powre I wull ayde and counsell our Under Sheriff for your wurshyp with all my stodye. And I have advysed him to make a boke that ye may se every peny by him taken as well for fees of all kynde of process, as otherwyse, for the fees of the process moste stop a great gap for it wulbe worthe £40 or better yet it muste be resceyvvd in smawle porcyons. I wuld be right sorry that ye shuld be a loser, and agayne I wuld ye shuld not be to mowche a gayner, but oonly moderation to Rule.

Sir, my pryst his wyff is indyted for poysoninge of here old husbond and also for brekyng of his neck, and the pryste and oon other that was moste concordante with them and privy howe he dyed, (because he declared to Horner and Fitz-James the truthe), bothe indyted as accessaries, and do remayne in the gayle and all their goods spoyled and suche wemen as were at the dethe of the man have ben sett in the Stocks to compell them to apele fawlsly the saide powre woman but they can sey nothings but all good, and the Coronar and also the Jury do confes that none of them never toke othe of no person in gevyng onyman's evydens but only the report of Henry Fytz-james and the Papeste Jury whiche were made by John Dyer's clerke, who was then the Coronar's clerk, and Horner and Fitz-james man: The Coroner by the lawe shuld have requyred the Sheryf and Bayly of the hunderthe to have warned the next four townships and of them they to have made an indeferent Jury which to do the Coroner refused afore your Deputie contrary to the lawe: it is the most faulsete mater handeled that ever was in this contrey. Let God (*sic*) beware how he do come in to this parties, yf he wull do or speke leke hymself, for then, yff Horner and Fytz-james wull sey ye (yea), then shall he be indyted of morthar at the leyst.

As I shall aunswer affore God, all thyngs that I did certyfy ageynst my Lord Stourton's men in huntyng is trewe, as with credeable persons I am ever redy to justifie: they make the Kyng's forest \* to be my Lord Stourton's purlewe: it is to Lord Stourton, as Saynt Akers (St. Algar's) the Ruyge and Abbottys-more is to yow, and none otherwyse. And sethens the resayte of your letters concernynge the same they have kyllid in the saide forest thre dere at oon tyme,

\* Selwood.

and every weke they do kyll as mouche as they may, whiche I am able to prove. And also they, at Crystmas Eve laste, assawted the Kyng's Kepers my servaunts, and dyd put them in jeberdye of theire lyves and resceyvyd at there handes many grete strypys, and some dyd geve agayne. I am sory my Lord and his men have none other rayling-stock but oonly in fawls (*false*) depraving of me. And his Lordship, as it shalbe well approvyd, lovythe every man well in thes parties but oonly my Lord's Grace (Protector Somerset) servaunts, and all other that be knowen your frynds; and, as he reportethe, he wull do mowche to them yf God do not help: he that made aunswer affore you is knowen as fawls a thiff, and so be his felowys that bere the rule here under my Lord (Stourton), as any be in England and that my Lord knowethe right well. I truste Fytz-james and his felowys shall ons here (i.e. *shall one day hear*) of the unlawfull words that I certyfyed you of. I am redy to justifie it of truthe, with oon other right onest gentelman, for all theire juglyngs. And this I remayne yours with trewe hart and servyse as knowethe God who preserve you in wurship. Wreten in hast the fyrste day of January

by your servaunte assuredly

WILLM. HARTGYLL."

"To the right worshipfull my moste singuler good Master, S<sup>r</sup> John Thynne, Knyght, be this delyveryd."

*Law-Suit with the Protector Somerset.*

1548-9. In Lord Stourton's bailiff's accounts of this year there is an entry that "the Bailiff keeps back 40s. of Rent for lands in Marston Bigot pending a Suit with the Duke of Somerset until the justice of the Law determine it, as he, the bailiff, would be liable." This entry is repeated, and in both places Lord Stourton writes on the margin "Recepi, Charolls Stourton," from which it would appear that he established his claim.

*Kilmington Constables in the Stocks. The Blood-hound.*

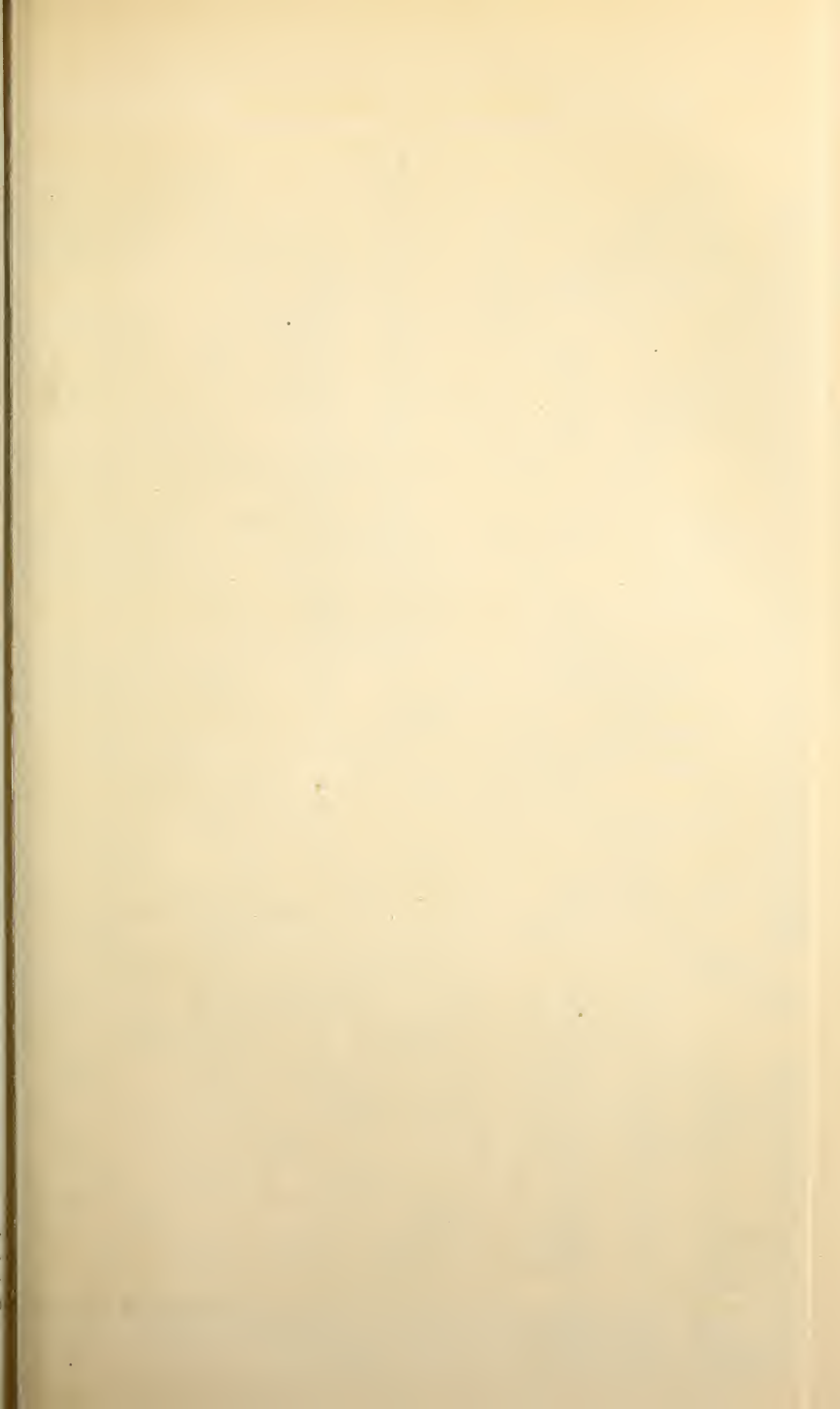
The next letter is from Thomas Chafyn Esq., addressed to Sir John Thynne. Mr. Chafyn (who has been mentioned before) was the head of an old Wiltshire family living at Seal's Clevedon (now called Zeals) in the parish of Mere adjoining that of Stourton. He speaks of Hartgill as "my Cosin." The first part of the letter refers to one of the Leversedge family, owners of Vallis and West Woodlands in the parish of Frome, co. Somerset. "Mr. Horner" was probably of Cloford in the same county. The rest of the letter contains two new complaints against Charles Lord Stourton: first, for putting into the Stocks the parish Constables of Kilming-

ton who, as Mr. Chafyn says, had only executed orders sent down by the Protector Somerset the owner of Maiden Bradley adjoining. The second grievance will be often referred to: the detention by Lord Stourton's keepers of a favourite blood-hound of Hartgill's.

(No. 28.) 1549, April 17. Mr. Chafyn to Sir John Thynne. (*Original at Longleat.*)

"Ryght wurshipfull Mr. Thynne my dewtie of humble commendacyons condignely premysed unto you with most hartie thanks for all your gentylnes. These shal be to asserteyne you that I have caused Mr. Leversage to be arestyed by your undershereyffe upon a statute at the sute of Mr. Button, the penaltie wherof is fyve hundred marks, and old Horner, not a lyttell greved therwith, have made soche craftye meanes to your seyde undershereyffe that he hath the custodie of the seyde Leversage at his owne wyll and plesure, doughtyng nothyng but that your seyde depute have taken suere bondds of Horner for your discharge yn that behalfe; yet better had hyt bene yff he had remayned styll with your depute tyll an ende had byn taken theryn. Yffe your plesure be to wrete your earnest letter with spede to your seyde depute that he maye folow my coseyne Hartgill's advice and myne yn the premyses, wee shall see use the matter that you shall be therin right well contented and Horner nothing therewith pleasyd.

I have also sent to you heryn enclosed a letter that was sent to me by the searchers of mettalle that were of late sente downe ynto Wiltshire and Somerset by my Lord's Grace's commaundment, desyryng you to loke upon the contents therof. I have sent you in lyke case the copie of a precepte and commaundment addressid from my Lord's Grace to all officers yn the Kyng's Majestie's behalfe for to make provision for horses withyn the lymetts of theirre office for the seyde parties yn theyre affayres. Wherupon the Constabulls of Kylmyngton dyd theyre endeavor for the trew executyng of my Lord's Grace seyde commaundment, at the request of the seyde parties, to provide them horses withyn theyr office accordingly. And now of late since my Lorde Stourton's repayre into the contrey the seyde constabulls for the executing of theyr office yn the premysse have been sett openly yn the stocks by my seyde Lord Stourton with soche crueltie as the lyke have not ben sene. And this open shame have these honest men, beyng the Kyng's officers, reseyved openly att my seid Lorde Stourton's hands for the only doying and executyng theyr office apon the auctorytie of my Lord's Grace's commaundment. Whereupon these poore men thus beyng punisshed have been with me, and made soche mone for theyr opyn shame that they have this reseyved, yn executing my Lord's Grace's comaundment, that hyt petyeth me to heare it. And for by cause of my bownden dewtie that I owe to my Lord's Grace, and also for my discharge yn this behalfe, and for that I doo thynck this matter redownyth mooch to my Lord's Grace dyshonour, his Grace's commaundement to be had yn soo lyttell regard and by others to be adnychilatted and set naught by, is the cheife cause of my wretinge to you hereof remyttyng hyt holly to your discreession. Please it you also, good Mr. Thynne, to understond that my eosyn Hartgill is wrong named yn the Commission now for the Relyefe. They have named hym Thomas, where hys name





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5  
No assured grower man  
William Gustafson

Fac-simile of a Letter from

WILLIAM HARTGYLL to Sir John Thynne,

6<sup>th</sup> May 1549.

My bounden Dewtye right humble Remembred, to most  
Excell<sup>t</sup> Gentle for yo<sup>r</sup> manyfold bounties to me and mine  
Always served on tyme of yeste yere. And for yo<sup>r</sup> good  
Letter And to my Lord Otonston w<sup>ch</sup> was  
yettye offended in so moche that yo<sup>r</sup> sayde that yo<sup>r</sup>  
lett not by yo<sup>r</sup> p<sup>r</sup>ynce's p<sup>r</sup>ynce yo<sup>r</sup> favored me at  
yo<sup>r</sup> dyd to many tyme exchange me basket and  
veloynt at yo<sup>r</sup> p<sup>r</sup>ynce's p<sup>r</sup>ynce's p<sup>r</sup>ynce's p<sup>r</sup>ynce's p<sup>r</sup>ynce's  
was delighted of your go<sup>d</sup> and as to my found  
I shall not give And so humblye

is Wylliam, but Mr. Fitz-james, Horner, and my Lord Stourton beyng of that Commission, doyth not a lytell enjoye thereat. Surely you wold lyttell thyncke howe moche my seyd Coseyne Hartgyll is dysmayde and dyscomfortyd, what with the betyng and mayminge of hys man and takyng away of hys lyame hownd\* and the deteynyng of hym by my seyd lord Stourton and hys servants. And now thus hys enemies to tryumphe at hym concerning the premysses, I fear the conseyt therof wull shorten hys tyme unlesse some comfort maye cum to hym shortly by your good helpe. And thus levyng to trobull you any farther at thys tyme, desyryng your helth with the contynuance of the same. From Mere rasshely wretyn the xvii<sup>th</sup> of April by your owne assuredly.

THOMAS CHAFYN OF MERE."

"Too the right wurshipfull and my very good master  
Sir John Thynne, Knyght, be this delyvered with spede."

Sir John Thynne appears to have attempted a reconciliation between Lord Stourton and Hartgill, and by so doing to have fallen into disgrace with his Lordship. The hound is again mentioned.

(No. 29.) 1549, May 6th. W. Hartgill to Sir John Thynne. (*Original at Longleat.*)

"My bounden dewtie right humble remembered with moste lowly thankys for your manyfold kyndnes to me and myne always shewed in tyme of grete nede. And for your kynd letters sent to my Lord Stourton wherewithall he was gretly offended insomowche that he sayde that he sett not by your fryndship seinge ye favored me as ye dyd, with many tymes cawlynge me varlett and velyne, as your servaunte John Hartgyll shewed me who delyvered to hym your letter. And as to my hound I shall not have it. And he handellythe me more with crueltie then he dyd afore, as I truste shortly ye shall knowe more. And as to the caryage of your stonys, it shall be aplyed with the best of all my lytle powre when the weys be redy. And your undersheriff have used hym selff after a good sort as touchyng Mr. Leversayge for he hathe servyd Mr. Button's town in the best manner that may be devysed by meyns of the lawe, for all Leverage's lands within the Hundred of Frome is extended but at £xxxj by the yere, wherewith Mr. Horner is not beste pleased. And I think hit wull cause Leverage and hym to departe company within short tyme. And truste ye shall fynde Mr. Gamage to shewe hymselff towards you a proffetable offyicer. And for my parte I truste to fulfyll all your commaundements accordyngly. And this I pray Jesu preserve you in wurship with

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\* "Lyame." In Todd's Johnson this word is explained as "a thong for holding a hound in hand." "My dog-hook at my belt to which my *lyam's* ty'd: my hound then in my *lyam*:" Drayton. "Chien limier, Fr. "He tied him in a lyem and delivered him to one of his servants to be carried about the town as one of his hounds, and then led him home, like a dog." *Archæol.* xxviii., p. 97. A "lime-hound" is said to mean a blood-hound. "For finding the stag, you must be provided with a blood-hound, draught-hound or suit-hound, which must be led in a *Liam*, according as in the plate represented." *Gent. Recreation* p. 82.



longe lyff. Wretyn in hast at Kylmyngton the vi<sup>th</sup> day of May by  
 "Your assured powreman  
 WILLM. HARTGYLL."

"To the ryght worshipfull and my most singular  
 good Master, Syr John Thynne Kt., be this delivered."

Lord Stourton now lays his complaint against W. Hartgill before the Protector Somerset.

(No. 30.) 1549, June 21. Charles Lord Stourton to the PROTECTOR. (*Orig. at Longleat.*)

"My duetie considered, Pleasith it yo<sup>r</sup> grace to be advertised, that forasmuch as I have heretofore received the burden of some reports unto your Grace betwixt Hartgill and me, I have therefore, at sundry times, borne more than frail nature, by just occasion, wold permytt, and even as I have made answer unto your grace for the furst report, so may I say again, which is, that I have not, at any time, molestyd hym with word or dede, nether contrary to a law, nether yett to the extremytie therof. But as I can learne, my symplisitie and quiet dealing have ben an encoragment to his wilfull presumptuous and outrageous mynd. For he hath not only brutyd and reported me to be a maynteynour of Rebellyous with other unjust reports and slaunders, but also this Wedonsday, being the xix<sup>th</sup> of June, my poor man, who kepith my houndes, having them to a place of vile relief wher one of my tenants had a horse dedd, in his retorne, almost att my gates, Hartgill made great spede towards hym on horsback with his crose bow bent and forked arrow in the same, having two others riding after hym on foote [*sic*] with long bowes and arrowes, and tryumphed with hym as well with outrageous talke agenst me as also thretening hym to kill hym. Also even the same day certyn of my men chanced to be hunting of the hare in the fyldes, as in dede I steare them sumtymes to practes theire bowes and somtymes to hunt, bycause I will not have them idle, and in their returne homeward Hartgill cam to them with a forest-bill, and thre others with bowes and arrowes in them half drawn, and fower with bills and staves, requyryng my men to kepe their ground and stay; his men being plantyd round about them, he began to talke at libertie, my men gyving hym no ill word from the furst to the last, yett I am sure, my comandymment not to the contrary, they wold have betten hym and all hys men and taken their weapons from them. Then he reviled my men and bragged to them like a mad man, saying that yf his men did kill two or thre of my men, he wold bare them out, and moreover said, although he warre sworne to the peace yet wold he borrow a poynt of the law, for he had two or thre hundrith pounds to spend in vayne. And as God wold, my men departed doying no grief unto hym, howbeit truly Sir they had much care to forebare him. Therefore I umbly beseche your grace to stand so moche my good Lord, according to my hope, that I may not be subject unto such one, and that I may not be tempted, nether any of myne, to shew the fraile worke of nature. But in good faith, Sir, if I do, I must nedes desier your Grace to bare with my weaknes, for I am sure there is no gentleman wold take the like ingratitude that I have done at his hands. Sir, I am sory that I am forced to truble your Grace with so long declaracions, yet could I reherse a grete deale more, which

yf yt may stand with your Grace's pleasure this bearer may advertise your Grace of the whole. The names of my men are under-written who will be at all tymes at your Grace's comaundment to take an othe all this to be trewe. Thus Jesu preserve your Grace in prosperous estate to his worthy will. From Sturton this Friday the xxi<sup>st</sup> of June 1549.

Roger Ellis, John Blandford, Robert Frank, Owyn Tew, Alexander More and Richard Muckill, of the which the furst two rehersed are aunceyent house holders and thei all are honest men.

"Your Graces to comand

X

CAROLUS STOURTŪ."

(Addressed)

"To the high and excellent Prince my Lord Protector's Grace with speed." (*Below, in another hand,*) "L. Warwyk."  
(Docketed) "My L. Stourton complayninge upon Hartgyll, to my Lord P. xxi<sup>st</sup> Junii 1549."

Sir John Thynne, trying to make peace, had written some good advice to Lord Stourton, but instead of peace, his letter only produced an intemperate reply. The captured blood-hound appears to have belonged to the Protector Somerset himself, for whom William Hartgill acted as Ranger of Maiden Bradley. There is no date to the next letter, but it evidently belongs to this period.

(No. 31. *No date.*) Charles Lord Stourton to Sir John Thynne. (*Original at Longleat.*)

Mr Thine, w<sup>th</sup> harty recomandasions. Whear as yn yo<sup>r</sup> laste letters you dyd as well wyshe me to walk advysedly, for the wh. I thank you, and that, yn y<sup>r</sup> judgement, I was symply governed by sertayn off my men: as also that my men shuld detayn a hound off my Lord's Grace, Syr, I shall lett you to wyett (wit) therfor; As for the gubernation off my servantts, allthough I be not the myttest (i.e. meetest) to governe, yet am I not the symplyste to be governed: and as for the outrage and mysusage off my men (i.e. committed *by* my men) wh. you say ys trew, this my letter shall beare wytnes, that their apparent acts may be bothe avouched and allowed, untill the Law, yn the same, be altered. The truth is, two off my men meatt w<sup>th</sup> Hartgyll's kyper allmoste halff a myle w<sup>th</sup> yn my Frehay, walkyng thear with his hound as a kyper of the same, for the w<sup>ch</sup> he had receaved beforehaynd contrary warnyng; and my men took his hound from hym; and so shall they do agayn yf the case requyre the lyke, excepte my Lord's Grace comand the contrary, yn the which I truste his Grace wyllethe me as mooche lyberty & comodety as any other subjecte.

And as for the hound, he shalbe att my lords Graces comandment with all that I have besydes, trustyng that his Graces opynyon is so yndifferent towards me: the hound to be as well yn my custody, doyng wrong to no man, as he shuld be yn Hartgyll's kyping oppresyng every man.

Mr. Thine, I do not a lytle woonder what shuld cause you to beare suche a V—— [villain?] agaynste me, excepte you shuld do hit to spyght me withall.

And yff hit be so, truly I shall content myselfe without desertt : and think myself to lose a frynd which is not worthe the fyndyng. Therfor as I have sayd hertofor, yff you lyste to use me as your neyghber you may so fynde me, yff not I can say no more, but that Hartgyll's losse wylbe your gayn. Syr, I have send you by this bearer xl<sup>s</sup>, that is to say from Myghellmas to Our Lady day : trustyng that you wyll not so moche negleete my pour goodwyll as to lose hit for Hartgyll's lyes and nead full flatery. This fare you well. From Stourton

“Yo<sup>r</sup> frynd

CAROLL STOURTON.”

“To my frynd Syr John Thine.”

In the next letter, to Sir John Thynne, W. Hartgill complains not of Lord Stourton but of a party of Somersetshire gentlemen (all however Stourton-ites) trespassing, as he maintains, in pursuit of deer, upon the Lord Protector's ground, and destroying certain fences newly erected. It is probable that such alleged trespasses were committed not out of a mere riotous spirit, but, (as appears from various documents of this period relating to the borders of Somerset and Wilts) for the purpose of asserting some presumed right to hunt within the bounds of the old Forest of Selwood. The forest extended into both counties and its bounds were frequently a subject of dispute, and not unfrequently of litigation.

(No. 32.) 1549, July 3. W. Hartgill to Sir John Thynne. (*Original at Longleat.*)

“My dewtie humble rememberd. It may please you to understand that sethens (*since*) Trentytye Sondag last past, in my being above (*sic*), Sir Thomas Horner, John Horner the yonger, Phelyp Horner, Roger Basyngge, Roger Mawdeleyne and others, to the nomber of four-score persons, too sundre tymes cam in to my Lord's Grace's frehay of the Holtt and there kyllled above ten dere that were seene, and, besydes that, for dyspleasure pulled up my Lord's Grace's new hedges and dytches that was by hys Grace's comaundement lately made in many sondre places, mowche prejudycally, and dyd sey to my servaunts that met with them, that they wull hunt there and in Bradley woodds all tymes at there pleasure, wosoever wull say nay, and as it is reported the next weke they wull be there agayne with an hundrethe copulls of hounds. And also in the tyme affore-mencyoned Edward Mompesson, Vyncent Mompesson and other of my Lord's Grace's tenaunts of Mayden Bradley, bothe by day and nyght, have constantly hunted and kyllled many dere with crossebowys, your gentle former letters for the reformation therof in tyme past notwithstanding. I pray you let me know my Lord's Grace's plesure as concerning the same; wheder I shall suffer them so to do hereafter, and this I pray Jesu preserve you. In hast from Kylmington the iiij<sup>d</sup> of July, by your assured

“HARTGILL.”

“To the right worshipfull Sr. John Thynne,  
Knyght, be this delyvered,”



The two letters following are from Mr. John Berwyke to Sir John Thynne. Mr. Berwyke was Agent or Steward to the Protector for that part of his vast estates which lay about Savernake and Bedwyn. He is believed to have been the Mr. Berwick (sometimes spelled Barwick) who owned the Wilcote estate near Pewsey, father of the heiress Anne Berwick by whom it passed to the Wroughtons. He died 1574 and his monument is on the north side of the chancel in Wilcote church. The letters are dated from Easton Priory (now destroyed) near Pewsey, which had been granted to the Protector at the Dissolution and was for many years the residence of his son Edward, Earl, and great-grandson William, Marquis of Hertford.

(No. 33.) 1549, July 12. John Berwyke to Sir John Thynne. (*Original at Longleat.*)

"After my moste hartyst comēdacons to you and to my good ladye your bedfelowghe, desyryng you to be Good Master to your olde frend and myne Mr. Hartgyll. I perceyve my Lord Sturton hathe complaynyd of hym to my Lord's Grace: And he" (i.e. Hartgill) "hathe answered the same truly as he will abyde by, as he saythe he hathe many thyngs more to declare agaynst my seyed Lord Sturton the whyche he forbearythe at thys present for trowblyng my lord's Grace. I pray you helpe that he maye lyve in more quyetes or else yt were better for hym to dwell in Turkey, as ye maye perceyve partlye by hys answer and letter. And thus wysshying you no lesse healthe and felycytye then your gentle herte desyrythe. From Eston the xij<sup>th</sup> of Julye 1549.

"Your assured to commaunde

"JOHN BERWYKE.

Postscripte.

"Certeyn of thes lewd people of Hamshyre entryd my Lord's Grace parke at Ludgarsall on Fryday last at nyght, brake the parke and toke theyr pleasure in huntyng and kylling the dere. But although Mr. Richard Brydges,\* who hathe the custody and profytts thereof, dyd not resyst theym, yet I thought it not ryght to be sufferyd beyng my Lord's Grace's: and desyered theym to remove in the mornyng erly, that happy was he that could runne fastyst, nevertheles takyng many of theym dyd show no maner of crueltie uppon theyr further promyse that they wyl do no more so: and hath bownd them to answer when they shal be comaundyd. Further Mrs. Kyngsmyle, her husband beyng from whome, sent me a letter herein inclosed the whyche I pray you show unto my Lord's Grace for true it ys theys lewd people be evyll disposed.

"To the Ryghte Worshyppfull and myne especyall frend  
Sr, John Thynne, Knyghte, deliver."

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\* Sir Richard Brydges K.B., ancestor of the Dukes of Chandos, died 1558. His monument is in Ludgarshall Church. See "Wiltshire Collections," Aubrey & Jackson, p. 359.



(No. 34.) 1549, Sept. 14. — The same to the same. (*Original at Longleat.*)

"After my most hertest comendacons to you and to my good lady with lyke thanks for many your gentylnes. And although I nede notte desyer you to be good Master unto this berer your very frend and myn Mr. Hartgyle, yet he comyng this way, and I heryng the matter wyche he wyll declare unto you, and of the yvyll deallings of my lord Sturton, could no les but desyer the same : so that, by your meannys my lord's Grace may be advertessed of the seid lord Sturton's extreme doyngs agenst hym, wherby I dought not his Grace wyll take order that his servant may lyve withoutt danger. I nede not wryght to you of the seide lord Sturton for that ye harde inough yourself at your late beyng in thos parts th'wyche wer not myte (meet) shuld be kept from my lord's Grace. My Lady, my lord's Grace's mother, desyryth you to remembre her as well for th'hangynges of her late chambre at Bromham as also for the blake velvet gown the wyche the late Quene \* gave her, as she sayth. And thus most hertely far ye well. From Eston the xiiij<sup>th</sup> of September.

"Your most assuredly to comaunde

JOHN BERWYKE."

"To the Ryght wōshipfull my assured frende  
Sir John Thynne Knyghte be this delyvered."

#### LEASE OF KILMINGTON RECTORY, AND ASSAULT.

We now come to matter more serious than the capturing of hounds. William Hartgill makes a formal application to the Star-chamber, in which he states that whereas under a regular Lease from Thomas Bennet, Rector, he (Hartgill) was Lessee of the Rectory of Kilmington, certain of Lord Stourton's men had forced an entrance into the house, and had hurt his (Hartgill's) shepherd, and one Richard Coker, gentleman; and that upon a Warrant having been obtained against those men and process served upon them on the part of Hartgill by John Butler, in the parish church of Stourton on Christmas Day 1549, other servants of Lord Stourton's had set upon the said John Butler and beaten him within danger of his life at the very door of the church. He prays a summons for their arrest.

The original document relating to this case has been injured by rats, and the words reciting the precise *year and day* on which the

\* My Lord's Grace's mother was Mary, second daughter of Sir Henry Wentworth of Nettlested co. Suffolk, wife of Sir John Seymour of Wolfhall. She died 1550. Bromham (old) House had been the residence of her son Sir Thomas Seymour Lord Sudeley who was executed March 1549-50. "The late Queen" was Queen Katharine Parr, who had married Lord Sudeley, and died 1548. Queen Katharine Parr held in dower, among other estates, the following in co. Wilts:—Rowde near Devizes, (adjoining Bromham), Chilton Folyot, Tockenham near Wootton Bassett, Ashton-Keynes, and Marston Meysey.

Lease of the Rectory had been granted to Hartgill are destroyed; but the words "*reign of Edw. VI.*" remain. There is a little nicety in the matter that makes the remnant of date important. The reign of Edward VI. began 28th January 1547. The Lease must therefore have been granted after that day. But at that time *William* Lord Stourton, though living, was absent in France, and there continued until his death October 1548. It must therefore have been during his absence that Hartgill obtained the lease. Recollecting that one of the very first questions raised by Charles Stourton 8th April 1549 (see above p. 263) had been as to Hartgill's right to feed his sheep on the Rectory, it becomes probable that this Lease of the Rectory was one of the acts of Hartgill in which Charles Stourton considered that some unfair advantage had been taken during his father's absence. Still, as that alone would not have formed any justification whatsoever for an ejectment, it may be presumed either that Hartgill had refused explanations, or that Charles Stourton had some counter-claim which he was foolish enough to prosecute in the violent manner described.

(No. 35.) A.D. 1550. To the King our soverayne Lorde.\*

In most lamentable wise compleyninge sheweth unto your excellent Majestie your poor subject and daylie orator William Hartgill of Kylmington in your grace's countie of Somerset Esquier that whereas Thomas Benet clerke beinge lawfully seased in his demesne as of fee as in the right of his churche of Kylmyngton . . . of the parsonage and rectory of Kylmyngton in the said countie of Somerset, and he beinge therof so seased at th . . . of our Lorde God in the said yere of your Majesties reign did demyse grante and to ferme lett unto yor said orator . . . Rectory with all and singuler the membres and appurtenaunces for terme of certen yeres yet enduringe by vertue wherof . . . was and is therof lawfully possessed; so it is, most dere soveraign Lorde, that one Henry Symes of Stourton in the countie of Wiltes and Owyn at Yew of the said towne yeoman accompanied with too other persons being all servauntes to the Lorde Stourton, of malice prepensed and borne towards your saide subjecte the xj [day] of December in the thirde yere of yor most gracious reign (1549) riotously with force and armes that is to saie with staves and billes, the mancion house of the said parsonage brake and entred, and then and there on one Robert Rydeowte a poore ympotent shepherde unto your said subjecte being sycke in the said parsonage of dyvers greate beatinges and woundes by the said Henry and Owyn to hym before that tyme given and made, and on oone Richard Coker gent also servaunte to your saide subjecte then and there, beinge in Goddes peace and your highnes, made a greivous assault and affray, and then and there forceable and riotously brake up the dores of the hall

\* Star Chamber Proceedings.

and chamber of the said parsonage house, and them did then and there greuously beate, and also then and there the said ryotous persons did greuously wounde the saide Coker in the right legge so that he is in great daunger of his life and not able nother to help hym self nother to do any service to your grace's said subjecte, and moreover, gracious soveraigne lorde, where your poore subjecte in the last term past, for dyvers and sondry greatte and urgent riottes and assaultes by the saide Henry Symmys, Owyn at Yow, John Blanforde and others comytted and done agaynst your maties peace and lawes upon your said subjecte and dyvers others his servauntes wife and children, obteyned and got out of your high Corte of Sterr Chamber your gracious writtes of subpena directed unto the said ryotous and misrulled persons there to appeare before your Majestie and the Lordes of your most honorable counsaile to answer unto the saide riottes; and your said orator intendinge to have your said proces served upon the said riotous and mysrulled persons, delyvered the same writtes for that only purpose to one John Butler servaunte to your said orator, wheruppon the said John Butler in the day of the feast of the Natyvytie of our Lord God last past in the parish church of Stourton aforesaid delyvered your said proces to one John Blanforde and Roger Elys, which Blanforde, perceivinge the said writte, beganne with hast to runne out of the said church and amongst all the parisheners there then beinge, with a high voyce began to cry oute "Kill hym, kyll hym," sweringe "by Godes blode," and with that crye one John Grene alias Smyth of Stourton aforesaid, Nicholas Mershe of the same, William Cokley of the same, John Prewett, Jesper Grype, of the same towne, Henry More of Kylmyngton yoman, Alexander More of Kylmyngton, Thomas Reynolde of Kylmyngton yoman, Richard Welor alias Sudden of Kylmyngton, husbondeman, being all servauntes and reteynors to the said Lorde Stourton, the said day then and there forthwith assembled them selves together riotously with billes, staves, swerdes and daggers, and then and there the said riotous and mysrulled persons made assaulte upon the said John Butler and then and there at the doore of the said church, the said John Butler beinge in Goddes pece and your highnes, and thinkynge no maner of evell, but beinge bare-hedded without any maner of weapon upon hym, the said riotous persons that is to saie the said Nicholas Mershe with a dagger, and other of them with staves, did then and there not regarding your Matie nor your lawes nor yet the said sacred place, did greuously wounde the said John Butler upon the hedd with too grete woundes and leftt him lying at the said church dore for ded, untill his wyf and other of his neighbours conveyd hym home to his house in greate perell of deathe to his utter undoinge, of whiche beatinge and woundes the said John Butler is and shalbe the worse in his body all the daies of his life to his greate payne and shortninge of life: the manyfolde mysdemeanors of whiche riotous persons not beinge ponysshed dothe daily give occasion that many greate riotes, assaultes, and manslaughters be daily comytted and done in your said countie, for reformation wherof it may therefore please your highnes, the premysses tenderly considered, to graunte your Maties. most gracious writte of subpena to be directed unto the said Henry Symes, John Blanforde, Richard Sudden alias Wheeler, and the other riotous persons aforesaid comaundinge them thereby personally to appear before your Grace in your high Court of Sterr Chamber there to answer to the premysses and to abide suche order therin as to your highnes and your honorable counsell shall seme to stande with equitie right



and conscience. And your poore subjecte shalbe most bounden to pray to Almighty God for the most prosperous and victorious estate of your highnes with increase of all honor longe to continue and endure.

(*In dorso*) John Blandford and Richard Suddon alias Weler, subpenas immediat'.

The two parties were bound over to keep the peace.

(No. 36.) Council Book Extracts.\*

At Westminster the v<sup>th</sup> day of Junij An<sup>o</sup> 1550.

"Upon informacon of a greete ryote and unlawfull assembly made by the Lord Sturton upon William Hartgill, both parties were sente for and the matter beinge examined, it appeared that the said Lord Sturton had attempted a notable offence, wherefore he was this day committed to the Fleete and bound in a recognesones of 500 markes that his men and freindes should keepe the peace againste the said Hartegill and all his.

Likewise the said Hartegill knowleged a recognesones of £200 to the Kinges use that he, his servantes and frendes should keep the peace against the said Lord Sturton and all his; and that he himselfe should give his daylie attendance on the Counsell till he be discharged."

At Greenwich 14 June, 1550.

"A recognizance taken of the Lord Stourton in 5000 marcs with condicon to attend daylie on the Council till further libertie be granted to abide their ordre and to keep the peace he and all his." (Council Book fol. 52.)

At Westminster ult. Junij, 1550.

"A recognizance taken of William Hartgill of 500 marcs. The condicon to appear at Allhallowtide next and in the meane tyme when so ever he shall be called observing the peace for him and all his against the Lord Sturton and all his." (Ditto fol. 65.)

Westminster 18 July 1550.

Entry concerning a licence for the Lord Admiral [Lord Seymour of Sudeley] to go into Lincolnshire.

"And because he desired the companie of the Lord Stourton therefore licence was given him also for his absence for xl daies." (Do. fol. 88.)

Otelands 7 September 1550.

"A lettre to the Lord Stourton declaring the release and discharge of his recognizances." (Do.)

At Westminster 25 Nov<sup>r</sup>. 1550.

"Wm. Hartgill de ——— in com: Wiltes recognovit se debere D<sup>no</sup> Regi £200, etc."

"The condecon to keepe the Kinges peace as well against the Lord Sturton and all his as against all others the Kinges subjectes." (Do. fol. 169.)

Westminster 11 March 1550—1.

"Lettre to the Lord Stourton that he may well enough help his brother Andrew with money towards his return into England without th' offence of the Kings Maj<sup>tie</sup> notwithstanding the offence of the said Andrew being now pardoned by his Majestie upon the said Andrew's submission." (Do. fol. 242.)

\* Harl. MS. 352, 82b.



The Protector Somerset was now appealed to, not in any official capacity, but as a mutual friend and their near neighbour in the country, to interfere between Stourton and Hartgill. The application had no doubt been made by Sir John Thynne, in writing to whom the Protector thus refers to the subject:—

(No. 37.) The Protector Somerset to Sir John Thynne. (*Original at Long-leat.*)

“We have receyved your letters. \* \* \* For the matter between my Lord Sturton and Hartgill, We shall at our next meeting with my Lord Sturton doo what wee can to make an end between them.

“And whearas you write that you are informed wee had given from you \* the keypyng of the game of the Holt† and Bradley Woods unto my Lord Sturton, you shall understand that wee have permitted unto hym to be but onlie Master of our game there, as wee intend to permit hym the like, with th’ office of High Stuarde also, in dyverse other places, in consideration of certyn friendship he hath done unto us of late. For the Holt wee had of Mr. —, wee have promised it unto hym agayne of whom wee had it, as we keep it not still in our owne hands. Howbeit wee intend as yet to occupie it ourself. \* \* \* And thus fare you well. From Sion ‡ the x<sup>th</sup> of August 1551.

“E. SOMERSET.”

#### RIOTOUS ENTRY ON THE DEMESNE OF MERE A.D. 1550-1.

Among the Star Chamber Proceedings of (probably) 1551, or 1552, there is a very long List of Interrogatories sent down into co. Wilts, for the purpose of closely inquiring into the particulars of certain assaults alleged to have been committed by Lord Stourton and his agents upon Thomas Chafyn and others, by forcibly seizing Mr. Chafyn’s sheep on the demesne lands of the Manor of Mere.

From these interrogatories it appears that on the 18th September 1550, Lord Stourton sent notice to Mr. Chafyn to give up possession of the said demesne lands and laid an indictment before the Justices: but that nevertheless on the 16th February following (1551) Mr. Chafyn’s servants having charge of the sheep thereupon were attacked by Lord Stourton and his servants armed with weapons: the sheep were driven to Stourton House and impounded,

\* i.e. “Taken from you.” The reader will not fail to notice the Royal plural *we*, the use of which, in his private letters, gave offence to the enemies of this powerful man.

† The name of a wood.

‡ Syon Monastery, co. Middlesex is mentioned in an Act of Parliament 4th November 3 Edw. VI. among a vast number of estates granted to the Duke. He resided there, and among the Marquis of Bath’s papers is a MS. account of expenditure by the Protector in alterations, &c.

but were afterwards restored to their owner. That John Blandford, Richard Mackhill and eight others, on the 16th May, armed with weapons, again entered on the demesne lands and assaulted Leonard Chafyn, Thomas Horton and Robert Clemente, beating, "manassing" (menacing) and mis-entreating them; taking from them "one ferratte, one iron barre, a bagge, a bottle, a purse conteyning ixs. in money, and one plowme of feathers: and did also carry away the said Leonard Chafyn, &c., against their will to the mansion-house of Lord Stourton, where they were shut up in a prison in the house for some days and afterwards released." On the 12th July other servants of Lord Stourton, also armed with weapons, entered the demesne of Mere and took prisoner Thomas Hopkins, shepherd to Mr. Chafyn, and carried him also to Stourton House and kept him in prison some days. On 12th August they again went to the folds of Mr. Chafyn on the said demesne and took out 240 sheep which they drove to Lord Stourton's grounds, and, by his command, proclaimed them in the markets as strayers, and still detained them. On the 22nd August, Lord Stourton attended by his men all armed, entered the demesne and drove out 1000 sheep of Chafyn's and impounded them also. Mr. Chafyn served a "replevy" for their delivery, in spite of which they were detained. On 24th August, Lord Stourton and his servants entered the barley-fields, part of the said demesne, carried away 40 loads of barley and "innyd" it, (i.e. took it home and housed it.) Further, that Lord Stourton or his servants had threatened "the seyde T. Chaffyn at any time to slaye, kill and hurt hym, hys sonnes or servaunts, if they were taken upon the said demesne lands."

In explanation of these riotous proceedings it may be stated that the Manor and Park of Mere were (as they still are) part of the estates of the Prince of Wales as Duke of Cornwall. Lord Stourton's father William had a lease of them in 1544 from King Henry VIII., but it seems that Mr. Chafyn also claimed them under another lease granted in the name of Prince Edward, King Henry's son, as Duke of Cornwall. These two claims led to a Suit at law which is referred to in Coke's Reports as one involving

some nice points touching the Crown's rights during the minority of the Duke of Cornwall. That however Charles Stourton established his claim and had it confirmed to him, appears from the Petition of Dame Anne his widow (Document No. 66) in which she prays, towards her child's maintenance, "only the Estate of Stourton, and the lease of the Manor of Mere granted to her late husband."<sup>1</sup>

#### COWARD'S COMPLAINT.

Among the Proceedings in the Star Chamber 6 Edw. VI. is another complaint lodged against Lord Stourton by one Robert Coward for a violent ejection of him the said Coward, from some copyhold land at Seals Clevedon<sup>2</sup> near Stourton.

<sup>1</sup> The Stourton family had a very ancient connexion with Mere. So far back as 1399-1400 (1 & 2 Hen. IV.) there had been a Grant by Henry IV, as Duke of Cornwall, to William Stourton (see top of pedigree p. 244) on a repairing lease for five years at 66s. per annum, of "Our Lodge and the herbage of our Park of Mere; Our beasts of chase to be also reasonably kept up," (*"ultra rationabilem sustentationem ferarum nostrarum."*) The Stourtons had also long been watching for the chance of purchasing it. In 1552 the Steward of Mere, for the Crown, was Sir John Zouche: and in that year King Edward VI. had some intention of selling it. In a letter upon the subject to the Royal Commissioners, dated Wilton 9th January 1552, Sir John Zouche recommends that the sale should be postponed, and says "Indede the late Lord Stourton" (William, who died 1548) "in the tyme of the late King Henry th'eight was very desirous of the purchase of it: which when his Majestie" (Hen. VIII.) "understode, he did furthwith stay it, although the money were before-hand paid." (Sir R. C. Hoare, Mere, p. 26.) The Patent Rolls inform us that Charles Lord Stourton had the lease of the Manor of Mere renewed to him for forty years, in 1553. The riotous proceedings mentioned in the Text were most likely Charles Stourton's own way of asserting his rights before the law did so more regularly. It will be recollected that at the end of the Narrative of the Murder (above, p. 253) an allusion was made to some violent seizure of Mr. Thomas Chafyn's stock in payment of certain damages said to have been awarded to Lord Stourton in an Action against Chafyn. The "Action" mentioned in the Narrative does not seem to have been the regular trial at law about the lease: so that there may have been *more* riotous proceedings. The reader will probably be satisfied with the number set before him, without requiring any further identification of the particular causes that led to them.

<sup>2</sup> Seals (now Zeals) is a Tything in the parish of Mere, containing two Manors, Seals Aylesbury (or Over Seals) and Seals Clivedon (or Nether Seals); the second name in each case being that of an ancient owner. The arms of the Clivedon family are on the gallery in Mere Church. Seals Clivedon adjoins Bonham



(No. 39.) Oct. 1552. To the Kyng our Soverayn Lord.

"In moste humble wise sheweth and compleyneth unto your excellent Majestye your pore subject Robt. Coward, that where at a Court holden at the maner of Seylis-clevedon and Woodlands the xxix day of August, in the sixt yere of your most noble raign cam one Jane Dyeke wyffe of William Dyeke, whiche held one close of lands and pasture with the appertenaunce in Woodlands called Grete White Mede, and two acres of errable lande with th'appurtenances in Southbrooke called Pyper's Acres, which the said Jane did holde of the said maner according to the custome of the same for terme of her lyffe, and then and ther surrendered the premusses in to the Lordes handes to the use of your seid subject, Randall his son, and Edith his dowghter, to whome seison was delyvered by the lorde to have and to holde to your said subject, Randall and Edith, for terme of their lyves and the longer lyver of them successivelye, according to the custome of the seid maner: by force whereof your seid subject was admitted tenaunt and paid his fyne and did his fealty. And after your said subject into the said premusses did entre and was therof seized in his demesne as of freeholde according to the custome of the said manor, and your said subject, as beyng therof seized, the issues and profittes therof did quyetly and peasably perseve and take untill now of late that Charles Stourton Knyght, Lord Stourton, John Webbe, Rich. Dicke, John Blanford, Roger Horseman and William Dackham, with dyvers other ryotouse and evill disposed persons to the nomber of xij to your said subject unknowen, ryotously and in ryotouse maner, that is to saye with swordes, buklers, billes, bowes and arrowes and other maner of wepons in maner of warr arrayed, the xxij daye of October in the sixte yere of your most noble raigne entred into the premusses apou the lawfull possession of your seid subject, and then and there ryotously with like force expulsed and put out your seid subject from the possession of the same, and then and there with like force took one Robert Lawnsdown, being the servaunt unto your seid subject and keypyng the catell of your said subjectes apou the premisses, and him did imprison at Mere in the seid countie of Wiltes, and then and there the cattell of your seid subjectes did take and impounde, and the seid Lord Sturton and the other ryotouse persons with that not contented, the seid Lord Sturton and the other ryotous and evell disposed persons the day and yere aforesaid with like force, did put into possession of the premisses the said William Dackcombe contrarye to your Majestye's lawes and statutes in suche cases provyded and contrarye to your gracious pais (*peace*), crown and dignitee, to the perrillous and evell example of all suche ryotouse and evell disposed persons, except condyng ponysshment be unto them showed in this behalf. In consideracon wherof it may pleise your Highnes the premisses considered to graunt your gracious severall wryttes of snb-pena to be directed unto the said ryotous and evill disposed persons, comandyng them by the same personally to appere before your most honorable Councell in the Sterr-Chamber

mentioned in a former note. It belonged at this period to Thomas Chafyn Esq. Messuages, &c., in both "Over Selle and Netherselles" as well as in Mere-Woodlands, are named among the lands of the William Lord Stourton who died in 1413 (I. p. M.): and Seals Aylesbury (or Over Seals) belonged to Charles Lord Stourton, but after his death was obtained by the Chafyns.



at Westminster at a serten daye and under a certan payne by your highnes to be lymytted, ther to answer unto the premisses and after to abide suche decree and order as your said most honorable Counsaill shall take in this behalf. And your said subject shall daily praye to God for the preservacion of your noble estate long to endure."

### MAIDEN BRADLEY MANOR.

It has been mentioned that W. Hartgill on ceasing to be Steward to the Stourton Estate acted in that office for the Protector Somerset's property at Maiden Bradley. Upon the transfer of Maiden Bradley from the Protector to the elder house of Seymour, under the circumstances described in the note, Hartgill not only lost his office, but had the mortification of seeing it bestowed on William Stourton brother to Charles. This did not improve the state of affairs.

(No. 40.) Charles Lord Stourton to Sir John Thynne. (*Original at Longleat.*)

"After my harty comendacyons. Whereas as off late the Manor off Maiden Bradley is ordred to the use of my coosyn Edward Semor,\* the stewardship wheroff [as not unknown to you] is by patent geven to my broder Wyllyam, wherin I am desyred [bycause of his absens] to take some payne for the better servys off the King's Majestie and quietnes off his peple ther, notwithstanding my good meynys to that effecte that honest grome Hartgyll doth not only proclaime his accostomable talk, but also sayth that nether my broder, Gyles Slade, nor I, shall have to do therwith: also contrary to his hauctoryte or comysion for the same doth make replevyns, which you know doth appartayn to the Steuard to do, which well apperyth by patent, and also that yn all my fader's tyme the replevyns weare made yn his name and not yn Hartgyll's. Att my last beying yn London, I brak thes matters to my cosyn Semor, who lyke a kynsman advised me as I culd desyre. Therfor, bycause I know you to be in credytt with my cosyn Semor, I shall desyre you to send me word wheder

\*The arrangement to which Lord Stourton alludes was as follows. The Protector Somerset was twice married; 1st, to Katharine Fillol by whom he had John Seymour eldest son, Sir Edward Seymour (of Bury Pomeroy) and other children. Secondly, to Anne Stanhope, by whom he had Edward Earl of Hertford, and other children. The Priory Lands of Maiden Bradley belonged to the Protector by Grant at the Dissolution, but other lands adjoining had been bought with the money of Anne Stanhope the second wife. At first the Maiden Bradley estate was settled upon the children of Anne Stanhope: but upon its being alleged that the Protector had sold certain lands brought by his first wife Katharine Fillol, and sold them without her consent, an Act of Parliament was passed to make good that loss to the family of the first wife, out of lands settled on the children of the second wife. On 11th October, 6 Edw. VI. [1552] William, Marquis of Winchester was ordered to set out the lands: and he accordingly assigned the Manor of Maiden Bradley to John Seymour the eldest son of Katharine Fillol. John Seymour died without issue December or January 1552-3. His brother Sir Edward was his heir: but doubts afterwards arising from the Attainder of their Father the Protector, another Act of Parliament was passed 28th January, 1553, restoring Sir Edward Seymour in blood, as heir to the Duke, and assuring to him the Manor of Maiden Bradley, as originally appointed to his brother John Seymour deceased. [Sir R. C. Hoare, Mere 113.]

Fac-simile of a Letter from CHARLES, LORD STOURTON to Sir John Thynne,

A. D. 1553.

E

W<sup>th</sup> my greeting congratulatory, as soon as off late  
the news of my brother is ordred to the  
of my good eldest son the gentleman  
as well (as not in hand to you) if you will  
give to my brother highly desiring an  
of my brother of his affairs to call  
some reason for the best it will be off  
the day of my brother of his affairs to  
with the hand of my good meaning to

at Westminster at a serten daye and under a certan payne by your highnes to be lymytte, ther to answer unto the premisses and after to abide suche decree and order as your said most honorable Counsaill shall take in this behalf. And your said subject shall daily praye to God for the preservacion of your noble estate long to endure."

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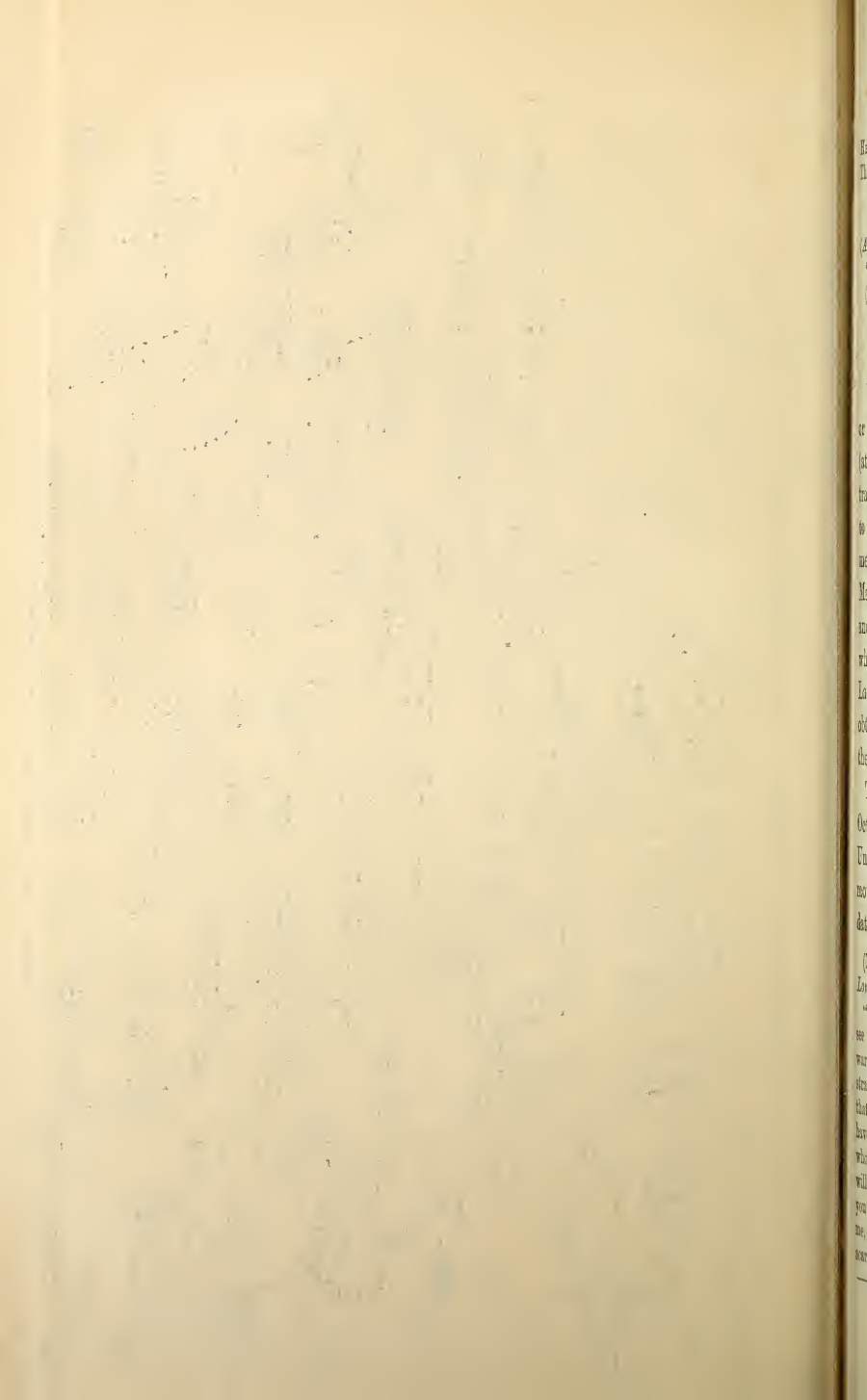
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aff<sup>3</sup> my garty commendatyon, as far as off late  
etc maners off <sup>may be</sup> Bradley is or bred to be  
off off my cosy Edward James the stonoff  
differoff (as not an kinde to you) is by your  
gave to my Broke's hylth & living I am  
desp'd (because off his absens) to call  
some wayne for the best<sup>3</sup> stumb off  
the by of in C. gyt off his reele  
the<sup>3</sup> notwithstanding my good meanes to  
it effect it don't growe Eartgill does  
not only proclame his accomponable talk  
but also payt it nether my Broke's; gylot  
plade, / noz I, shall sanc to do the<sup>3</sup>  
also contrary to his sanctoryte or comysst  
for the same dothe make recelation; di  
you know dothe appertayn to y<sup>e</sup> stow  
to do, di doth appertayn by patent,  
I also if you all my father's tyme the  
reclaynt aware made y<sup>e</sup> his name  
not y<sup>e</sup> Eartgill: / att my last say y<sup>e</sup>  
lond I brake every matter to my  
cosy James; as he lyt a bynsmat ampt  
me, as I could desce: / ther's because  
I know you to be y<sup>e</sup> widdett di my  
cosy James; I shall desce you to put  
me short as he's Eartgill bragg  
say any ground or no I asat y<sup>e</sup>  
over y<sup>e</sup> is the<sup>3</sup> y<sup>e</sup> sure you doth  
y<sup>e</sup> nether & ffrynd

Charles Howard





Hartgyll's bragg hath any ground or no and what your oppynyon is theryn.  
This fare you well.

"Your neyghbor and frynd,  
CHAROLLS STOURTON."

(Address)

"To my frynd Syr Jho Thynne."

(Docketed) "Received from Lord Stourton .... 1553."

# STOURTON AND SHERINGTON.

What had occurred to provoke the angry epistle next following, or when precisely it was written, we are unable to say. The paper (at Longleat) is not the original letter itself but only an un-dated transcript, endorsed "Copy of Letter sent from the Lord Stourton to Sir William Sherington." From the "*King's* Majesty" being mentioned, it must have been written before the reign of Queen Mary: and there being a reference to Sherington's "authority" and his "commission," it may perhaps have been addressed to him when Sheriff of Wilts in 1552-3. Sir William was owner of Lacock Abbey, purchased at the Dissolution, and the person who obtained a discreditable notoriety by mal-practices in the matter of the coinage.<sup>1</sup>

The "Mr. Herbert" alluded to, was William, created 10th October 1551 Baron Herbert, and next day, Earl of Pembroke. Unless therefore Lord Stourton undesignedly speaks of him by his more familiar name, the letter must have been written before that date.

(No. 41.) Charles Lord Stourton to Sir William Sherington. (*Copy at Longleat.*)

"I have receaved your letters. First as for Thynne's part, I will doo as I see cause, and doubt you not but the cause shalbe agreable to the deade, your warning not geven. As for your authorite to commaunde, it is to me more straunge in this case then I suppose you have commission for. Well I knowe that Mr. Herbert is High Lieutenaunt of the Shire of Wiltshire, and even as I have no vaine hoope but certainly do knowe him to be myn especial frende whom I wolde trust for my lief and gooddes, so do I not a litle wonder that he will putt wyne into a broken bottell (as you saie he doth). I have also to geve you thanks for your honest reapport made to the King's Majestie's counsell of me, but indeade not thankes wourthie. I doubt not but my truth thearin, scarce as yet well knownen, shalbe hable within fewe daies to blanke your untruth

<sup>1</sup> See "Collections for Wilts," Aubrey and Jackson, p. 91.

well knowen. I do not knowe the contrary but that you are as like to breake good rule as I; and I as like to punissh you and you me; but let the breache of your alleageaunce be example to your proceedinges hensfourth, and then I doubt not of your part. No more you shall have nede to doubt of myn."

"To William Sharington."

(*In dorso*) "Sharington's lre from the Lord Stourton."

#### PROCLAMATIONS OF LADY JANE GREY AND QUEEN MARY.

The course of public events at that period now brings Lord Stourton before us in a High Official capacity, for which, how little he was qualified by tact and evenness of temper, the reader will be able to judge on perusal of the correspondence next to be produced.

The Protector Duke of Somerset had been beheaded on the 22nd January, 1552, and then, as we are assured by a French Ecclesiastic present in England at the time,<sup>1</sup> "the whole kingdom trembled at the nod" of his successful rival John Dudley, Duke of Northumberland, whose title the foreigner has metamorphosed into "Milor Notombellant." On Thursday, the 6th July, 1553, King Edward VI. died; and on the 10th July (four days afterwards) "Milor Notombellant" caused his daughter-in-law the Lady Jane Grey (daughter of the Duke of Suffolk) the wife of his son Lord Guilford Dudley, to be proclaimed. Lord Guilford Dudley was nephew to Charles Lord Stourton; Lord Stourton's mother, Elizabeth Dudley, being sister of John, Duke of Northumberland. On the 19th July, Queen Mary was proclaimed, the news of which was conveyed to Longleat in the following hastily written note, now preserved there.

(No. 42.) "MARY, QUENE OF YNGLAND, was so proclamyd Wenseday last at vi off the clocke at Chepe crosse in the presens off the Erllys of Pēbroke, Shrewsebiry, and Arrondell, and Bedford, and the lord Darcy, Cobham, &c. Thes lettars credable cam yestarnyght very late. Wrytton thys present Fryday morninge.

Yors N. POYNTZ."

(*Addressed*) "To Sr John Sentlow."

(*Docketed by Sir John Thynne*) "Mr. Pointz letter to Mr. Sentlow and me—Julii 1553.

A Commission dated 8th July was sent (as he afterwards stated)

<sup>1</sup> Stephen Perlin, whose curious "Description of England," &c., is printed in the *Antiquarian Repertory*, iv., 501.

to Lord Stourton, appointing him LORD LIEUTENANT of the Three Shires of Wilts, Somerset and Dorset, with power to raise forces on her behalf. There is probably no reason whatever to doubt that his whole heart was with the cause of Queen Mary and the revival of Romanism: but his near connexion with the Duke of Northumberland would put his allegiance to a sharp test, and it is possible that in the uncertainty of the moment he may not have acted in any very decisive way. Through lack of energy Northumberland's ambitious project of raising his daughter-in-law to the Throne fell to the ground in a very few days. On the 19th of July orders were sent down to certain Justices of Wilts, Sir James Stumpe, Sir John Bonham and others, to proclaim Queen Mary. Lord Stourton at the same time received similar orders; and through an Officer, or Agent, one Mr. Kent, proceeded to do so in the town of Warminster. But Sir John Thynne, being High Steward of that town, conceived it to be his duty to proclaim Queen Mary there, and the more so, as he had received no formal advice of the appointment of Lord Stourton to be Lord Lieutenant. Sir John accordingly appears to have put Mr. Kent aside: whereupon Lord Stourton addressed to him, and to his colleague Sir John Bonham, another magistrate, the following undignified missive, a few words of which have been, in the original, effaced by damp.

(No. 43.) 1553, 22nd July. Charles Lord Stourton to Sir John Thynne. (*Original at Longleat.*)

"Where as of late I resceyvyd the Quene's \* Ma<sup>tie</sup>'s letters as well for puppyshyng of here highnes Juste title unto the crowne of this Realme of England, Fraunce and Hyreland† with all dyngnytes belonging unto the same, as also for the charge of thre Sherys, that is to say, Wyltes, Somerset and Dorset, the good order of the same and Reysynge, Revueing and Armyng the powyrs of these said Counties ageynst all here highnes enymes as the case shall requyre: doinge my dewtie ther in causyng here Ma<sup>ties</sup> Juste tytle and name to be puppysshed by the officer of Warmester, thou, moste trayturrusly, as I am credeably informed dydes not oonly rebuke, revyle, but also thretyn the saide person to hange hym and indede haddyste sleyne hym, yf good hap had not byn, because he so dyd: wherin thou hast shewyd thy selfe to be . . . not only an untrysty . . . but chyefly an arraunt and rank traitor. This shalbe to lett the wyte that I am a man most un . . . . . a matter. Yet

\* In the original, Lord Stourton had written "Kt—," going to write "*King's*." *Qu* is written over it.

† He had written "*Ireland*" but corrects it to "*Hy*" as if preferring the Latin, *Hibernia*.



I lett the wyte that there shall be founde more truthe in me without spot ether of effeccion or of flatery as both are to be found in thee, yea then have byn in thy grete (*master*) whom thou dost soe mowche (*sic*) extoll: therefore I Comaund and Requyre the in the Quene's\* highnes name that thou nether stere nor caull togeder any person or persons to arme or leade levy in batell for any intent withoute my assent and knowleyge: yf thou do, I lett the wete I will proclayme thee traytour: and as for thee to have a copy of my comysson, thou getyst none. Thowe shaltt geve credyt to onester men than thy selff, and so I advyse the to do, or eyls I wull spend my blod but I wulbe thy skurge. From my howse xxij<sup>th</sup> of July.

“By me,

CHARLES STOURTON.”

(*Addressed*)“....(*effaced*)....Thynne w<sup>th</sup> all speede,”

The Wiltshire Justices then sent their Address to Queen Mary.

(No. 44.) 22 July 1553. To the Queen. (*Original at Longleat.*)

“It may please your Highnes to be advertised that, where in this troublesome and sedicious tyme we your Grace's umble subjects have received diverse and sondry Letters from certeyn of the lords and others at London to set forth the usurped and pretensed titles of JANE doughter to the Duke of Suffolke whiche we never obeid but according to our dutys of alegeaunce have kept your Majesties people in peace and standing fast and firme to your Grace, ready with our force, when we shall hear from your Highness, to advance and attend those whom your Grace shall appoint for the suppression of those Rebels whiche seke to interrupt your Highnes just and undoubted title. And have also proclaimed your Highnes proclamation whiche was joyfully received of all your Highnes people. Sithen whiche tyme we have proclaymed also a proclamation sent from sundry the lords and others at London conteyninge th'effect of your Grace's proclamation, the copy whereof we have sent unto your Grace herwith; with also a copy of a letter sent unto us and others for repaire to London for the further servyce of your Highnes, most humbly desiringe your Grace to signifie unto us your Highnes pleasure whether we shall anser the same, or what otherwise shal be your Grace's pleasure we shall do, with your Grace's pleasure known we wol accomlishe to th'uttermost of our powers, with as obedient herts and redy gode will as any your Highnes subjects shall do: as knoweth the Lord who ever preserve your Majestie from enemys and in his Royall estate long t'endure.”

(*Docketed by Sir John Thynne.*) “The Copy of Mr. Bonham's, Mr. Wroughton's, Mr. Stumpe's and my Letters to the quenes highnes xxii<sup>o</sup> July 1553.”

The same gentlemen then state their case to the Privy Council.

(No. 45.) 1553 July 24. To the Lords of the Council. (*Original at Longleat.*)

“Our Duties remembered. Whereas your Lordship and others the Lords there addressed your Letters of the xix<sup>th</sup> of this present unto us among others not only for the proclayming of our Soverayn Lady Quene Mary to be in just

\* Again Lord Stourton had written K, as if going to write *King*. This trifling over-sight is only mentioned as some little proof of the passionate haste in which the letter was evidently penned.

and lawfull possession of Th'imperiall coroun of this Realm, to take order that the subjects should be kept in due and faithfull obedience unto her, but also for the better service of her Highnes to appoint certeyn gentlemen of the Shire whom we should think mete forthwith to repaire unto London with their convenient furniture to do that in her Highnes behalfe should be commaunded unto them: These shalbe to signifie unto your Lordships that havinge accomplished the too first parts of your Letters and mynding to take order for the third, the Lord Stourton not only caused himselfe to be proclaymed in Warmynster, but as we are informed in divers other places, the Quene's Highnes Lieutenant of the countyes of Wiltes, Somerset and Dorset, by vertue of her Highnes Letters set forth by him, to him sent from Her Highnes as he affirmyth, of the viii<sup>th</sup> of this present, the copies whereof we have sent unto your Lordship herewith, with also the copy of his letters and precept addressed for th'execution thereof.

Wherfor we desire your Lordship to declare unto the said Lords so as we may be advertised thereof from them and you what we shall do further herein for th'accomplishment of our duties towards her Highnes, whiche we wol endeavor ourselves to ensure to th'uttermost of our powers, as knoweth the Lord who ever preserve your Lordship. From Broke, the xxiiij<sup>th</sup> of July

"JAMES STUMPE."

(*Docketed by Sir John Thynne*) "The mynute of Sr Wroughton's, Sr Stumpe's, Sir Bonham's, and my Letters to the Lords of the Counsaill, 1553."

(No. 46.) 1553, July 26. Sir John Thynne's Reply to Lord Stourton's Letter No. 43. (*Original at Longleat.*)

JESUS.\*

"I having received letters for the proclayming of the Quene's Highness our liege Soverayne ladye, and repaying in quiet order to Warminster (whereof I am High Steward) for the purpose, at my coming thither was answered by that seditious and lying vile knave Kent, that I should not proclayme her Highness there that day, declaring that you had given him so in commandment, which was strange to me to hear, for two causes, the one for that no good subject ought to deny the setting forth of Her Highness' most just title in good order; the other, for that if ye had borne me the like friendship as I have and meant towards you, ye would have made me privy thereunto being officer there, and so nere unto you, and not have committed the doing thereof to so vile a person, which might have besemed the best within the Realm in his own person to have put in execution; yet I, taking this thing to have risen rather of the cankerdness of that varlet towards me than that ye would either for the matter's sake or lack of friendship toward me commit any such thing to him, send one to you in friendly sort to desire to know the truth of your Commission, offering myself ready for the accomplishment of the same as the case should require; and wher(as) yester-night at my Repair homè I thought to have found the copy of your said commission if you had received any, I found a letter sent hither from

\*The private letters written by persons of a stricter sort in those, and also in later days, were constantly headed, either with this Sacred Name, or "Emmanuel," or (as in Bishop Ken's case) with the sentence "All glory be to God." As a memento to a letter writer, to write in a Christian spirit, and to let his thoughts and words be those of charity and peace, a prefix of this kind was appropriate and useful; but in some cases that have come under notice the contents of the letter have not always been answerable, either in subject or style, to the auspicious commencement.

you which toucheth me so near as I cannot leave it unanswered. And wher(as) in your said letters ye say 'ye received the Queen's Majestie's Letters for the publishing of Her Highness' just title to the Crown of this Realm of England, France and Ireland, with all dignities belonging unto the same, as also for the charge of iij Shires, that is to say, Wiltshire, Somerset and Dorset, the good order of the same and Raising, levying and arming the powers of the said countries against all Her Highness' enemies, as the case shall require, doing your duty therein causing Her Majestie's just title and name to be published by the officer of Warminster, (as ye say) I most traitorously, as ye are credibly informed, did not only rebuke, revile, but also threaten the said person to hang him, and indeed had slain him if good hap had not been, because he so did,' which I answer is most false and untrue, for I made no quarrell to him therefore as all the town and country can and will testifie, but my doings there to be to the setting forth to the uttermost of my power of Her Highness' most just title to the Crown, and sure I am that neither myself, nor any of mine, nor any other to my knowledge, drew any weapon upon him, or offered to strike him, nor yet threatened to hang him (although I once saved him from hanging) but indeed I told the varlet I would make him know me (and so I will) to be High Officer there, and not in this troublesome time, or at any other time, to proclaim any lieutenancy there without shewing commission from the Queen's Highness, or other sufficient warrant for the same, as he did now, neither showing commission, copy of commission, nor yet letters of your hand to declare the same, but only his own credit which, being so vile a knave, methought to sklendre\* in such a case, all things considered. And wheras ye call me 'not only traitor but also arrant rank traitor,' without cause, my duty of allegiance resyrved, I therein defie you and all others, and when time may serve I will purge myself of that vile name to your and all others' shame that shall charge me therewith. Wher ye let me to wit also in your said letters that there shall be found more troth in you without spot either of affection or flattery as both are to be found in me, yea, than have been in 'my great master, whom' (ye say) 'I do so much extol:' I let you to wit as for my troth and duty to my Soverayne I will compare it to be as much and as unspotted as yours or any other's, and I pray to God that when others shall be sifted as I have been, their's be found no more spotted nor blotted than mine hath been; and as for flattery hitherunto, I never flattered you, and Master have I had none but the King's Majesty sithens (*since*) the death of the Duke of Somerset, nor have depended or sought to extoll any one subject before another, nor whom ye should mean thereby I know not. Farther, wher ye command and require me in the Queen's Highness' name, that I neither stir nor call together any person or persons to arm or levy in battle for any intent without your consent and knowledge (denying me the copy of your commission), assure yourself I will do nothing without good warrant and authority to bear me in that (be)half. Either let me have a copy of your Commission by this bearer, or else to advertize me to whom I may send for the same, which soon I will according to my duty obey with as obedient hearty and humble good will to the uttermost of

\* "To sklendre," i.e. *too slender*. In a Proclamation by "Jane the Quene," and therefore precisely of this date, the word "sklanderous" is used two or three times, for *slanderous*. (Loseley MSS. p. 125.)



my power in all points as any subject or liege man her Highness hath within this realm. And I would ye knew it, your threatenings shall not make me forget the obedience of a good subject, wherefore I overpasse them at this tyme. From Longlete the xxvi<sup>th</sup> of July 1553.

“JOHN THYNNE.”

(*Endorsed by Sir John Thynne.* “The copy of my letter to the Lord Stourton xxvi July 1553.”)

The next document is, in the original, not the actual letter sent and received, but a copy of it, apparently in the hand-writing of Sir John Thynne. In style and matter it so nearly resembles Sir John's own answer (No. 46) to Lord Stourton's (No. 43), that at first it seemed to be Sir John's rough draft of his own answer (No. 46). But, though extremely like No. 46, it is still a different letter; for in the first place it is endorsed as “The copy of Sir John *Bonham's* letter,” and in the next, it contains a particular expression—“I wol set my foot by your's,” not to be found in No. 46: to which words it will be noticed that Stourton specially retorts in his reply, “Therefore set thy foot,” &c. It is accordingly not improbable that Bonham, either as a fellow-magistrate, or perhaps, Deputy High Steward of Warminster, had attended and supported Sir John Thynne in the scene there with Mr. Kent: that Lord Stourton had consequently written to Bonham in the same tone as to Sir John Thynne, and that Thynne and Bonham, having received one and the same kind of despatch from the angry Lord Lieutenant, had prepared between them one and the same sort of reply.

(No. 47.) 1553, July —. Sir John Bonham's Reply to Lord Stourton. (*Original at Longleat.*)

“Whereas you write me your letters charging me that I should not only rebuke and revile (that vile and lying knave Kent) but also thretyn him to hang him, and that I had slayn him, if gode hap had not been, for that he did by yo<sup>r</sup> comaundment proclaym our Soverayn lady the quenes highnes in Warminster by vertue of her highnes comyssion to you (as you say) addressed; The hole country can and will wnesse with me that ye falsely and unjustly charge me therewith, as manyfestly it did and may appere by my comyng thither myselve and my doings there in that behalve, thinking it more my duty to do it myselve than to comyt it to any verlet: who, hering myn intent, made report over night that I should not proclayme her hyghnes there that day, for the whiche and proclayming your lieutenant'sie of thre sheres (3 *shires*) without showing any comission from the quenes Matie, or letter of your hand signifying the same, was the cause wher I used him as I did, considering the Lady Jane, doughter to



the Duke of Suffolk, was proclaymed so near you and within your lymities and nothing doon to the contrary, with also you' nerenes of blode to th'arche traitor fawtour of all this mischeve.\* And where ye call me traitor ye(a) and Rank traitor, without spot or cause, provoking me to shew my selve an yll subject in this troublesome tyme, whiche ye shall never be hable to do, my duty of alegeance resyrved, and this busynes quietyd, assuer your selve I wol set my fote by yours to purge my selve of that vile name to your greate shame.

Wher ye also write to me of my greate Syn, [I cannot make no aunswer therunto, for that I know noon suche. For sure I am,—*erased*.] I let you wit I have served noon but a King this xx yeres. As for flattery, if you call your words you had to me at Sarum to remembraunce you have small cause to charge me therewith till more tyme of quietnes may serve for the better triall thereof. And to conclude for this present, for that I mynd, as I have always hitherunto doon, to live and contynue in the obedience of a goode subjecte, I require you in the quenes highnes behalfe that either you send me by this berer the just copie of yo' comission or els t'advertise me to what gentlemen of wurship within this shire I may repaire unto, that have seen the verry comission signed with her highnes hand, whiche I wol for duties sake towards her highnes, beinge my soverayn and liege Lady, as redyly obbey to th'uttermost points thereof as any subjecte within this Realme, with my tenants and officers; notwithstanding your thretyning woords. And in the meane to (*while*) you shall fynd me obeydent in trust therof notwithstanding my formar earnest intent to have repayred to hir Ma<sup>tie</sup> with such poor force of horsemen as I was able, not doubtyng but that you wylbe my dyscharge yf any lak be found in me therof. From ————" (*rest wanting*).

(*Docketed*) "The copy of Sir John Bonham's Letter answering the Lord Stourton's lewd (*i.e.* *violent*) letters, July 1553."

To the last (No. 47), Lord Stourton then replied.

(No. 48.) 1553 July. Charles Lord Stourton to Sir John Bonham. (*Original at Longleat.*)

"What I have wrytten I have wrytten,† and thereto wyll I answer much to the allege of yo' prowd brags, and all can as you touch me with the proclymacyon of Janne Greye to be nygh me and nothing done by me therin to the contrarye, although it was not nedfull for me to mak you privye of my doyngs, yet your

\* John Dudley, Duke of Northumberland.

† As Lord Stourton quotes Scriptural words (John xix., 22) it may here be mentioned that there are Two short Theological Treatises in existence which, strange to say, there is some reason for thinking must have been written by him. The first, preserved among the papers at Longleat, is a "Discourse on Matrimony." The hand-writing resembles his, and on one of the pages is scribbled (as if the proprietor of the MS. were trying a pen) "Charoll Stourton," spelt as he signs his name in some of the Letters. At the back is written "Qualis rerum lectio, talis legentium profectus." This composition is merely in the rough copy, full of alterations. The second, in the British Museum, is a work of about 60 leaves, upon "The Real Presence," in the form of a "Dialogue between Fraunces Flacher and Tom Tynker." This is a fair copy, in the hand-writing of a clerk: the Introduction commencing "To the moste excellent and vertuous prynces my Lady Marie's Grace;" and is signed "Carollus Stourton." At the end these words, "This work ended and compiled the 14 October 1549." Both of them indicate a ready acquaintance with the Bible and the writings of the Fathers. In the Pedigree there is no other Charles Stourton living in 1549. An Edmund Stourton is mentioned by Dugdale among the learned Benedictines of Glastonbury as a writer of several Religious books.

betters of more honest trust can be my wyttnes what my intent was. Wheras you somewhat touch me with the bloud of a traytor, supposing summe parcy-alytye in me for the same, if you allege the same suspectyon by question to the Quenes Highnes, her Ma<sup>tie</sup>, I am sure, will fullie answer you. I let the witt, Bonham, ther is nether the blood of uncle nor brother which shall make me forgett my naturall aleageaunce, and therefor set thy foot to myne when thou wylt, I doubt not but my truth shall waye thy malece. As for your goynge to the quenes highnes w<sup>th</sup> y<sup>or</sup> ayde in her behalf, I saye it is after meat mustard. As for the cople of my comyssion I suppose ye have alrede sene it at the hands of my cosyn S<sup>r</sup> Henry Longe, also in the cittie of Sarum at the Mayor's hands, wherin ye may do as ye think good: and so, consydering my dutye, wilbe yo<sup>r</sup> watcher.

"To Jhon Bonham of Brook."

(*Endorsed*) "The mynute of my Lord Stourton's letters lewdly written to Mr. Bonham, July 1553."

The next document does not appear to be in any way connected with the Proclamation quarrel, but by the order of its date it must be inserted here. It refers to some collision between the followers of the two Lords, Pembroke and Stourton, about which nothing is known. But as William Herbert, Earl of Pembroke, had been displaced from the Lord Lieutenancy of Wiltshire to make way for Queen Mary's nominee, Lord Stourton, the retainers on both sides had probably conceived themselves in duty bound to take the earliest opportunity of getting up a fight. In Haynes's State Papers (Edw. VI. p. 162) it is mentioned that "Roger Erthe alias King, servant to the Earl of Pembroke, and William Ferror, servant to the Lord Stourton, were, for making of a fray, committed to the charge of the warden of the Fleet."

(No. 49.) 1553, Aug. 19. The Council at London to the Council at Court.\*

"After our right harty comendations. \* \* \* Touching the mattre betwene the Earl of Pembroke's servauntes and the Lorde Sturton's,† what is allredey doon, *you my Lorde of Norfolk* can well declare. This afternoone we will traveil to the best of our powers to make a parfight ende thereof. And thus we bedde your goodde Lordeshyppes most hartyly well to fare. From London

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\* State Papers Domestic, Mary, vol. i. Art. 9.

† To this feud, Aubrey thus alludes in his *Life of William, 1st Earl of Pembroke*. "Wm. 1st E. of Pembroke being a stranger in our country (Wilts) and an upstart, was much envyed, and in those days of sword and buckler, noblemen, and also great Knights, as the Longs, &c., when they went to the Assizes or Sessions at Salisbury, &c., had a great number of retainers following them, and there were in those days, feuds—e.g. quarrells and animosities, between great neighbours. Particularly this new Earle was much envyed by the then Lord Sturton of Sturton, who when he went or returned from Sarum, (by Wilton was his rode) would sound his trumpetts, and give reproachfull challenging words. T<sup>was</sup> a relique of Knight errantry." (*Lives of Eminent Men*, ii., 479.)

the xix<sup>th</sup> day of August 1553. \* \* \* Your goodde Lordeships to commaund  
 "WINCHESTER. J. BEDFORD. SHREWSBURY. R. RYCHE.  
 WM. PAGET. CHR. RUSHEWORTH. HENRY JERNEGIN.  
 JO. MASONE. JO. BAKERE."

(Addressed) "To my very goode Lordes and others of the Quene's Highnes  
 Counsaill attending upon her Grace's person in the Courte.  
 Hast, hast, hast, hast with all possible diligence."

His loyalty to Queen Mary being now full blown, Lord Stourton, writing from the Court to the Sheriff of Wilts, denounces all favourers of Lady Jane Grey, proclaims Sir John Thynne and Sir John Bonham traitors, and in the Queen's name dictates to the Electors of Wilts what kind of Representatives they are *not* to send to Parliament.

(No. 53.) 1553 September 20. Charles Lord Stourton to the Sheriff of Wilts.\*  
 (*Original at Longleat.*)

"After my harty comendacyons thys shalbe nott onlye as your frynde butt chefflye as doing my dewtye of Allegeance to geve yowe and all there the Quenes Ma<sup>ties</sup> true and feythefull subjects advyse and warnyng to have good respecte in the Eleccon as well of the knyghts as of the burgeses, for the parlyamente, nowe comyttyde unto youre dylygence, that ys to seye, in case by yow<sup>r</sup> awne knowlege, or by creadyble Reporte made unto yowe, yow shall understonde onnye person within yo<sup>r</sup> countye hathe eyther favorede, sett fourthe, mantaynyde or proclaymyde the lady Jane Graye in souche traytorous ordre, as ys well knowne unto yowe, that yowe neyther electe or geve voyce to onnye souche, yee [*yea*] or have att onnye tyme lette or interruptyde onnye good procedyng off the quenes Ma<sup>tie</sup>. And for a farder declaracon unto yowe, as in dysburdenyng myselfe and charyng yowe with the same, I lette yowe wytte that Syr John Thynne and S<sup>r</sup> John Bonham have abusyde ther dewtys unto their Soveraygne ladye the quene's hyghnes, uppon the artycles wherof they stande presentlye acusyde, ether to suffre the lawe or elles to be att ther fyne by the quene's mercy. Furder I am comaundyde to geve yowe to understande, that the quenes pleasure ys, nott to have onny souche spottyde persons within her courte off parlyamente. Wherfor say nott butt that I have warnyde yowe. And I requyre yowe to kepe thys my lettre safflye as well for my dyscharge as for yow<sup>r</sup> warraunt. Thys fare you well. From the Court the 20 off Septembre 1553.

"Yo<sup>r</sup> lovyng frynde,

CHARYLLES STOURTON."

"To my lovyng frend the Shereife or Shreif's Deputye of Wiltsher and to all my lovyng neyborgs assembled for the electyon of Knights of that Shere."

\* John Ernele, Esq., of Cannings. Edward Baynton had been appointed Sheriff of Wilts after the death of King Edward VI. (6th July 1553) by Lady Jane Grey; and the order for his Patent, signed "JANE THE QUEEN," without date, is still preserved in the Rolls Chapel Office; but to that order is prefixed another signed "MARY THE QUEEN," dated 6th July 1553. How long Baynard continued Sheriff is not known: but John Ernele appears to have been Sheriff in the latter part of 1553. See List of Wilts Sheriffs, Wilts Arch. Mag., vol. iii., p. 213.



Sir John Thynne and Sir John Bonham then proceeded to bring an action against him for slander, probably grounding it on the following "Articles," the draft of which, revised by Sir John Thynne, is among the papers at Longleat.

No. 51.) "CERTEN ARTICLES to be objected against Charles Lord Stourton on the behaulf of Sr John Thynne and Sr John Bonham, Knights.

1. *First*; his proclayming hymself Lieutenant of the Thre Shires, viz., Wiltes, Somerset and Dorset, without shewing any commission to warraunt the same [to any gentleman of Wiltes to our knowleage; *erased*].

2. *Item*; the keeping of the Quene's Hieghnes Letters bearing date the viii<sup>th</sup> daie of July, without publisshing or proclayming the same untill the xxij<sup>th</sup> daie foloying.

3. *Item*; ——— Thornehill, being more familiar with the said Lord Stourton then others, came the xvij<sup>th</sup> day of the said July to the house of the said Lord Stourton, and tarieng there all that night departed from thence the next morning, viz., the xvij<sup>th</sup> daie to the Towne of Shaston in Dorsetshire being distant from the said Lord Stourton's house not past v miles, and there proclaymed the Lady Jane Grey, for the title of the Crown.

4. *Item*; the xix<sup>th</sup> daie of the same July was the said Lady Jane Grey proclaymed at the town of Frome in Somerset-shier, being in like sort distaunt from the said Lord Stourton's house on the other side not past v miles, he doing nothing to the let or withstanding of the said proclamation.

5. *Item*: at Welles in the said countie of Somerset, being distaunt from his house x miles, wheare the like proclamacion was made, and the Busshop of Bath \* preaching a vile and unseamely sermon in his Cath. Church (what daie certainly we know not) against the Quene's Hieghnes Title, the saied L. Stourton neverthesse neither sturing or doing any thearein untill iiij or v daies after th'apprehension of his unkle the Duke of Northumberland: and also that Sir John Saintlow, Knyght, had taken order for the said Busshop's fourthcoming, according to the part of a good subject, at the least iiij daies before, and then the saied L. Stourton rode to the saied Busshop and by his auctoritie newly apprehended hym.

6. *Item*: After the Bishop of Sarum † had proclaymed the saied Lady Jane, Wensday the xix<sup>th</sup> daie of July, and by letters that came to him in post the Thursday foloying about vi of the klok at night had revoked the said former proclamacon and set furth the Quene's Highnes just title, a servant of the L. Stourton's lieing at the said Busshop's for newes advertysed hym thereof: howbeit incontinently the said L. Stourton not geving credit thereunto wrote his letters to the said Bishop to be advertized of that he wolde aunswer unto. Whereappon the Bishop sent hym the veary letters, whereby he proclaymed the Quene's Highnes, which were from — Penruddok, servaunt to th'Erle of Pembroke."

\* William Barlow: deprived by Queen Mary in 1553.

† John Salcott or Capon, formerly Abbot of Hyde, Bishop of Sarum 1539—1557: called by Stevens the "Judas" of Salisbury Diocese.



[N.B. The last "Item" in the original is crossed out; the following paragraph to be substituted: which, together with all the remainder, is in the handwriting of Sir John Thynne.]

"The Lord Stourton received a letter from the Bishop of Sarum the xx<sup>th</sup> of July with the copy of a Proclamacion, to proclayme the Quene's Highnes, which he wold not credite unles the Bishop sent him th'originall signed with his hand, as he wold answer to it, albeit he hath confessed to have before that received the Quene's own letters for that purpose which he kept secret vij daies at the least.

Furder, he never proclaymed the Quene till his uncle was apprehended.

7. *Item*: He promised to get the Subsidy forgiven, seeking thereby to pervert and take awry the Quene's Highnes thanks if it be ment to be forgiven.

We were in fere of him lest he wold have entered and rifled our houses when we had been goon forth in the Quene's aide, as he ons did myn (Thynne), when I was at Windsor with the King before the Duke of Somerset's first apprehension.

Then follow two letters to Sir John Thynne from his lawyer Mr. Humphrey Molsley, of the Middle Temple. [Mr. Molsley had a droll habit of concluding his sentences with an "&c."]

(No. 52.) Mr. Humphrey Molsley to Sir John Thynne. (*Original at Long-leat.*)

"Harty salutations premysed according to my bounden duety. With suche thanks as my harte can thynke and wyshe to you for your fatherly gentlenes lately shewed to me. \* \* \*

"Sir John Bonham hath proceded with his action agaynst the Lord Stourton. His councell wold delyver to me the cotype thereof for the halfe of v pounds which they say his coste was in draweyng the Writte. I have a copy thereof moche better chepe which they know nott. The Lord Sturton's councell wold gladly (as I erste shewed to you) have your frendshyp, &c: and saving the frendshyp you are joyned with Mr. Bonham all was agaynst the Lo. Stourton's harte which he wrote, spake or dyd att any time agaynst you. I perceyve that he feareth, loveth and regardeth you as moche as you do your derest frende. His honour may nott suffer to submyte hym to you. You may use wyttie polycie (kepyng your owne councell) to shew yourselfe to Mr. Bonham and all others to be proceeding earnestly with your action agaynst the Lo: Stourton to purge his sklauder, and that you have comytted the delygent folowyng thereof to me and other lerned Councell, which may wel be beleved, for I shew the lewde letters openly in our hall to every man and help the matter forth with suche exposcyon that moche dyspleaseth his Councell and maketh them and all honest men ashamed to here the rasshe folly of the lord, &c. I thynke the sayd Lord dothe so perfectly repente the rasshe folly towards you that you shall have of his owne offer more then Mr. Bonham shal be able with all his charge to recover, &c. You may, as occasyon may honestly serve, encourage Mr. Bonham to procede with effecte, &c: And even so you may write earnestly to me to procede with letters I will shew to his Councell to styrr him up to seke your

frendship, &c. I am bolde thus to wyshe you by honest polycie to kepe yourself quyett and yett to have your owne desyre satysfied. My chief care is to help you to be att quyett (for your owne profytte) with all men. And yett (knowyng the wolfe from the shepe) you may enter into famylyar credite and company with suche as you best knowe approved, &c. Charytie is the virtue which most pleaseth God, who encreas you in all virtues to his pleasure with encreas of comfortable wurship to all your lyfe, aggreyng with th'exemple of the most holy and virtuous men of wurship that hath lived. Wherunto with dayly prayer I comytte you. From the quyett Temple this Monday xiiij<sup>th</sup> of Novembre scribed as may appere—1553.

“Yr. most bounden  
HUMFREY MOLSEY.”

(Docketed) “*Recd. 16 November 1553.*”

(No. 53.) 1554, January. The same to the same. (*Original at Longleat.*)

“Tyme putteth me in mynde of my bounden duety to write unto you even so trustyng that you, my good Lady and all others your friends are in prosperous helth, which God long continewe with muche encreas, &c.” \* \* \*

“This day the Lord Robert Dudley is arraigned in London as some thynke to be made redy to hange and suffer with his brothers, &c. \* \* \* It is also reported that th'Erle of Pembroke is in great credyte and restored to all his former authorytie and charge of your countrey and Walys. The Lord Stourton is here lytle talked of. Of his credyte and favour I here none of th'accustomed braggs, &c., &c. God kepe peace amongst us and honorably turne and appease the sedycious and rebellous harts of all the lewde persons. And I pray to God to geve us grace to serve and obbey hym in all virtuous lyvyng, dayly prayers, charitie and love. Wherunto with my dayly prayer I comytte you. So leaving further to trowble your mastership att this presente I wysshe to the same helth and moche encrease of cowmfortable wurship. From the quyett Mydle Temple this Monday of January.

“Yr. most bounden  
HUMFREY MOLSEY.”

“To the right Wurshipfull Sir John Thynne Knyght,  
geve these att Longleate in Wiltes.”

The next letter is from Mr. Chafyn to Sir John Thynne, written probably during the disturbance created by Sir Thomas Wyatt's rebellion against Queen Mary.

(No. 54.) 1554 Feb. 7. Thomas Chafyn Esq. to Sir John Thynne. (*Original at Longleat.*)

“My dewtie rembred. Pleaseth it your good mastershipp to be advertysed that these be the certen newse that I can lerne yn Sarum. The Lorde Stourton sent hys letters from Basynghe Stoke to Sarum upon Tewarsday last, as he came from London ward, directed to the Mayere and his bretherne there, comaundyng theym by the same letter that the hole Citie sholde be yn a rediness to serve the Quene's Majestie under hym with all theyre wepons and artelary: and not to move at none noo otherse comaundment, whatsoever he wer, but only at hys,

excepte they sholde resseyve the quene's speecyall letters. And also declared by the same letter that he was Levetenaunte of this shire and others: And had auctoryte to put the lawse yn execution withyn the same shires: and the Duke of Sothefolk \* and his ij bretherne were by name proclamyd Traytors apon Mondaye last yn Sarum. I have sent you gunpolder and bowstrynges, for weche-hazell bowes there be none. Arnold the joyner I cannot speke to, but a frynd of myne wull cawse hym to cum over to you. The gunpolder coste me xvi<sup>d</sup> every pownde but it is warrant me good: yff you wull have eny more, at that price you may have inow att Corneles yn Sarum. The blessed Trinyte preserve you safely. Wreten from Sarum the vij<sup>th</sup> of February by yours assuryd

T. CHAFYN OF MERE."

"To the right wurshipfull Sir John Thynne  
Knyght, be this delyvered with spede."

The last document that has been met with relating to the quarrel arising out of the Proclamation of Queen Mary is a letter from Sir John Thynne to a Mr. Wolseley. It is a very long one, reproaching that person with ingratitude and neglect in sundry matters. The following extract relates to our subject.

(No. 55.) 1555, July 15. Sir John Thynne to Mr. Wolseley. (*Original at Longleat.*)

— "As touchynge the Lord Stourton's suit agaynst me as daungerous as you make hyt (consydering that in dede hyt is but a feyned quarrell) I lyttell waye yt, not douting but that Justice shall be so mynstred that the truthe shall take effect wheresoever hyt be tryed, although you (whiche shall not become you) would be against me. And as touching Modie's fryndshipp in decept of hym that doeth putt hym in trust I will nether prayse nor allowe. Neither can I immaggyn why Modie shuld offer me suche fryndshipp (beyng a man with whom I never hadd acquayntance), onlesse hyt were for some other respect then I can well understand. And where you say he is earnest to have lovyngge fryndshippe betwene the Lord Stourton and me, and hath practised with my Chapleyn for the same I thynke you knowe that I sought not the breache of fryndshippe betwene hym and me neither will I seke the reconsiliacyon.

I do not a lyttell marvell that you charge me that I should ayde, styrrre or comforte Mr. Hartgill to be stowte agaynst the Lord Stourton, consyderynge that yourself knoweth (no man better) that I never meddell in any man's matters but myne own, although I pitie his manyfeste injurie and almost utter undoing, and sure I am if the honorable councell dyd as well know all his doyngs towards Hartgyll as hyt ys knowen to the cuntrye, there is no doute but they would sett an Order betwene them."

The result of this great slander case we have no means of knowing.

\* Henry Grey, Duke of Suffolk, father of Lady Jane Grey. He was beheaded on Tower Hill, 23rd February. His brother Thomas 27th April.



## SEIZURE OF HARTGILL'S CORN, &amp;C., AND HIS EJECTMENT.

The seizure of Hartgill's corn and cattle (mentioned above, p. 267) must have been made not later than 1554, because in his last Will dated 12th January 1555 he alludes to their unjust detention by Lord Stourton. The following Order in the Council Book probably refers to this matter. Of Jane Stourton whose name is associated with Hartgill's, nothing is known.

(No. 56.) At Westminster 7 Aug., 1554. (*Council Book*, p. 156.)

"This day the Lord Stourton being called before the Lords of the Council to answer unto certain articles objected against him as well by one William Artegill as by one Jane Stourton, promised before the 1st of September next to send unto the Lord Chancellor suche matter as he hath to shewe for the discharge of the matters laid against him, or elles to take sum such end with both the said parties as they have no further cause to complayn on that behalf."

There are in the Council Book other Orders relating to this quarrel throughout the years 1555 and 1556, to some of which Lord Stourton appears to have paid very little attention.

In Trinity Term 1556, process was awarded against him and damages assessed at £368 6s. 8d.

(No. 57.) Hartgill plaintiff, Lord Stourton and others defendants.

"Restitution of the corne and goodes by the ryotours taken from him and for his other woundes for damages in all £368 6s. 8d. given by the Court upon the plaintiff's oathe taken in Court that the goodes were soe much worth."

The ejectment of Hartgill from lands at Kilmington was made, apparently with much violence, by Lord Stourton and his men, on 12th January 1556. The particulars of it are extracted from a Latin Document.<sup>1</sup> The fields specified will be recognized as among those which are named in the original Deed of Sale from William Lord Stourton to Hartgill in 1543 (see p. 262), out of which Charles considered himself to have been "cosened."

(No. 58.) "At Frome, before James Fitz-James Kt.,\* John Mawdley gentleman, and their fellow Justices, on the oath of Twelve Jurors; It was presented 14 August 1556, That Owen At Yew, yoman, Anna At Yew his wife, spinster,† John Jefferyes, weaver, Walter Gallofer husbandman, Thomas Marsh bow-

<sup>1</sup> Coram Rege Rolls, 3 & 4 Philip & Mary, xxxiiiij.

\* Of Redlynch, near Bruton co. Somerset. He appears to have been afterwards charged with abetting Lord Stourton: for in document No. 62 he is fined £100 to the Crown and £50 to the two widows Hartgill.

† Observe, several times in this document, the word spinster applied to married women.



string-maker, Margery his wife, spinster, Henry Danyell mason and Joan his wife, spinster, all late of Kilmington, and John Marteyn husbandman late of Yarnfield, did on xij January 1556, armed with swords, shields and staves, forest-bills and knives, riotously and forcibly take possession of a messuage called Modon's with 6 acres of meadow, a sheep-yard (*bercariam*)\* and 24 acres called Hollens-hays: also a pasture and grange called New-hays and 24 acres of pasture and wood, all in the parish of Kilmington, whereof William Hartgill Esquire was then seised in his demesne and of fee, and therefrom did expel the said Hartgill, and he from the said 12th January to the present 14th August is forcibly kept out of possession. The said Owen at Yew and the others, having been summoned to appear at Westminster by Leonard Sanhill their Attorney on Monday next after the morrow of All Souls say they are not guilty and put themselves upon their country. Sir Thomas White, Kt., being prosecutor for the Crown, the Trial is appointed for the Octaves of St. Hilary next."

The "Octaves of St. Hilary next" would have been 20th Jan., 1557: but the Hartgills did not survive to see the day.

Lord Stourton was committed to the Fleet Prison, but was released 19th December, 1556, under a Bond for £2000 to reappear, &c. The judgment against him, and his imprisonment were never forgiven. Under pretence of paying the £368 6s. 8d. damages, he went to Kilmington and carried off the Hartgills to their death. It is a curious coincidence that the day of the murder 12th January, 1557, was the anniversary of the Ejectment in 1556, and also of the day on which (as above-mentioned) W. Hartgill executed his last will in 1555.

#### LORD STOURTON'S TRIAL, &c.

The names of the Jury on the trial were the following.<sup>1</sup>

"Jurati pro Domino Rège et Reginâ.

|                            |                         |                         |
|----------------------------|-------------------------|-------------------------|
| Willms. Horsey, armig.'    | Johes Abyrn, gent.      | Johes Batt, gent.       |
| Anthonius Barrowe, armig.' | Willm. Eyer, gent.      | Carolus Moggryge, gent. |
| Thomas Sowthe, armig.'     | Ricūs Bryant, gent.     | Johes Nycholas, gent.   |
| Robtus Gryffyth, armig.'   | Thomas Pyle, gent.      | Xtoferus Tucker, gent.  |
| Willms. Webbe, gent.       | Robtus Baylye, gent.    | Thomas James, gent.     |
| Gabriell Pledell, gent.    | Willms. Moggryge, gent. | Simon Hunt, gent.       |
| Ricūs Hungerford, gent.    | Thomas Cater, gent.     |                         |

ANTHONIUS HUNGERFORD, miles, Vice-comes."

\* "*Locus berbleibus alendis idoneus, alius tamen ab ovili.*" ["A place adapted for rearing sheep, but not the same as a sheepfold."] Ducange.

<sup>1</sup> From the "Baga de Secretis," a pouch containing Official Documents of the trial, such as Writs, &c.

(No. 60.) The Indictment.\*

“Jurati presentant pro Domino Rege et Dominâ Reginâ, quod cum Carolus Stourton nuper de Stourton in comitatu predicto, Miles, Dominus Stourton, Deum pro oculis suis non habens, sed instiganciâ diabolicâ seductus, ac gerens in corde suo per longum tempus odium mortale versus quosdam Willielmum Hartgyll nuper de Kilmyngton in com. Somerset generosum, et Johannem Hartgyll nuper de Kilmyngton generosum, filium et hæredem apparentem ejusdem Willielmi Hartgyll, machinans que et intendens eosdem W. H. et J. H. ad mortem et finalem destruccionem suas perducere, ex suâ nephandâ et diabolicâ maliciâ mentem proposuit et intencionem die Lunæ proximâ post Festum Epiphaniæ Domini viz: xj<sup>o</sup>. Jan. 3<sup>to</sup> anno 4<sup>to</sup> Phil. et Mar., ad dictam nephandissimam maliciam, mentem, propositum et intencionem sua exequenda, aggregatis sibi apud Stourton Willielmo Farre alias Cutter, Henrico Symmes, Johanne Davyes alias Johanne Welshman, Rogero Gough et Machuto Jacobbe, omnibus nuper de Stourton yomen, domesticis servientibus dicti Caroli Stourton, ac diversis aliis hominibus ad numerum 40 personarum, accessit ad Kylmington ubi Will. Hartgyll, et J. Hartgyll ad tunc habitabant et ibidem falsè et maliciosè pretendens eosdem W. H. et J. H. feloniam fecisse, in ipsos W. H. et J. H. insultum fecit ac ipsos ad tunc et ibidem cepit et arrestavit, ac manus eorum à retrò eorum terga legari fecit, eosdem-que quasi latrones et felones imprisonavit, ac ipsos sic imprisonatos detinuit usque horam secundam post mediam noctem ejusdem diei Lunæ, circâ quam horam idem Carolus dictos W. H. et J. H. a Kylmington usque quandam domum ejusdem Caroli vocatam Bonham sub custodiâ servientium suorum duci et imprisonari mandavit; virtute cujus quidem mandati W. H. et J. H. à Kylmington usque Bonham eâdem nocte per servientes dicti Caroli adducti fuerunt, ipsos que a tempore adductionis illius per totum diem Martis tunc proximè sequentem viz. xii<sup>o</sup> Jan. usque horam decimam in nocte ejusdem diei apud Bonham in prisonâ per servientes proprios dicti Caroli custodiri fecit, ad quam quidem horam decimam predictus Carolus perseverans in suâ nequissimâ maliciâ secretè conspiravit cum W. Farre et cæteris suprâ dictis ad ipsos W. H. et J. H. apud Stourton interficiendos et murderandos. Et ad facinus et scelus illud horrendum exequendum idem Carolus apud Stourton postea et circâ eandem horam decimam in nocte ejusdem diei Martis ex maliciâ suâ præcogitatâ ac felonice procuravit et mandavit W. Farre, &c., ad perducendum W. H. & J. H. à Bonham usque Stourton ad intencionem eosdem W. H. & J. H. murderandi. Qui quidem W. H. & J. H. juxtâ eandem procuracionem Caroli à Bonham usque ad Stourton per dictos W. Farre, &c., perducti fuerunt, ubi idem Carolus adtunc et ibidem præsens fuit et postea scilicet eadem nocte circâ horam undecimam, apud Stourton in quodam Clauso vocato *Le Worth*, juxtâ gardinnm Capitalis domûs mansionalis ipsius Caroli, eidem domui adjacente, W. Farre, &c., vi et armis et felonice in ipsos W. H. & J. H. in formâ predictâ legatos insultum fecerunt. Et W. Farre cum quodam fuste precii 2 denariorum, quem idem W. Farre in manibus suis adtunc et ibidem tenebat, prefatum Johannem Hartgyll super caput suum felonice percussit. Et predictus H. Symmes cum quodam alio fuste W. Hartgyll

\* This document (also from the Baga de Secretis) contains the facts of the murder as already given above in pp. 251 and 252, and is now printed both as evidence of the fidelity of the “Narrative” and as interesting to those who may like to read the story in a Latin dress.

super caput suum similiter percussit, dantes eisdem J. H. & W. H. duas sepe-ales plagas mortales ex quibus plagis W. H. & J. H. ad terram corruerunt et semi-mortui jacebant. Quo facto W. Farre, &c., immediatè corpora ipsorum W. H. & J. H. susceperunt et portaverunt super humeros suos in prædictam capitalem domum Caroli Dni. Stourton, transeundo per quoddam ambulatorium vulgariter vocatum "A Galerie" infrà prædictam domum usque ad quandam cameram domûs illius super quendam locum infrà domum vocatum "A Dongyon" portaverunt, in quam quidem cameram Carolus Stourton circà mediam noctem personaliter accessit ac corpora predictorum W. H. & J. H. fermè mortua jacentia inspexit et vidit, iisdemque Carolo, W. Farre, &c., ad murdrum perpetrandum ad tunc præsentibus, W. Farre cum quodam cultello precii 4 denariorum quam in manu suâ dextrâ tum tenuit gulas sive guttura dictorum W. H. & J. H. non plenè mortuorum sed adtunc spirantium et gementium voluntariè scidit, per quod dicti W. H. & J. H. instantèr obierunt. Et quod sic Carolus Stourton, W. Farre, &c., prædictos W. H. & J. H. murdraverunt contrà pacem Dni. Regis et Reginae coronam et dignitatem, &c. Et cum citò W. H. & J. H. sic interfecti fuerunt, eorum cadavera in prædicto loco vocato "a Dongyon" per mandatum dicti Caroli et in præsentia suâ per R. Symmes et R. Gough profundè in terrâ sepulta fuerunt. Et Carolus exultans in nephandissimis murdris prædictis Willielmo Farre et cæteris hæc Anglicana verba sequentia adtunc et ibidem dixit et propalavit, viz. ; "It is but the ryding of a couple of knaves oute of the waye, the which have longe troubled us in Godde's lawes and the Kinge's," in pessimum et perniciosissimum exemplum aliorum consimiliter delinquentium."

(*In dorso*) "Inquisitio capta apud civitatem Novæ Sarum in com. Wiltes xix<sup>a</sup> die Februarii coram Johanne Prideaux Serviente ad Legem, Henrico Brounker, Christophero Willoughby et Johanne Hooper, Armigeris.

"Per me JOHAN. PRIDEAUX

By me HENRY BROUNCKER

By me CHRISTOPHER WILLOUGHBY

Per me JOHAN. HOOPER."

"Billa Vera."

(*Inserted at the top are these words*), "Cognovit et ponit se in misericordiam Dominorum Regis et Reginae."

From the "Council Book" it appears that one Ellice, and Sir James Fitz-James<sup>1</sup> were charged with complicity.

(No. 61.) 14 Marh 1556-7.

"A lettre to Edward Baynton that where he hath dispossessed the wief of one Ellice, who is comitted for Lord Stourton's cause, of all his goodes and catalls, forasmuch as his doinges herein appere to be against the order of the lawes both for that the said Ellice is not yet attainted and because also that if he so were yet appeareth it not that the said Baynton hath eny title to the goods, he is willed either to restore the said goodes to Ellice wiefe again untill the lawe shall otherwise determyne, or els to make his indelaied repaire hither to answer why he ought not so to doe."

<sup>1</sup> In page 255 above the Council Book mentions Sir John Fitz-Williams as "committed prisoner on suspicion."



(No. 62.) 6 April, 1557. (Council Book, p. 452.)

James Fitz-james de Redlinch in com. Somerset, miles, recognovit se debere dn̄is Regi et Regine quingentas libras bone et legalis monete Angl. Solvend' etc., etc."

"The condicon of this recognizance is such that if the above bounden Sir James Fitz-james do pay unto the King and Queen's Majesties use before the last day of the next terme, the sum of one hundred pounds of good and lawful money of England by way of a fine, and unto the *widowes of the Hartgilles* the sum of fifty poundes, that is to say twenty fyve pounds to each of them to be paid the one half therof between this and the beginning of the next terme and the other half before Martinmas tyde next and further doe contynue of good behaviour towards the King and Quene's Majesties and their subjectes, that then this recognizance shalbe voyd, or els stand in full effect."

*At foot is the Autograph of Sir Jas. Fitz-james.*

13 May, 1557.

"Where Sir James Fitz-james Kt. was heretofore bound in recognizance for the payment of C<sup>li</sup>. to the King and Quene's Majesties, the same Sir James being this day before the Lordes of the Council exhibited a privie seal addressed unto him from the Quene's Majestie bering date the xxx<sup>th</sup> of July 1556 for the lone of C<sup>li</sup>. together with an acquittance of John Windham Knt., being dated the 18th of October, Anno supradicto, testifieing the receipt of the said money which he desired might be accepted and allowed for the redempcon and payment of this said C<sup>li</sup>. which he was bound to pay their Majesties, which his requeste was graunted and order given that the said privie seal and acquittance should be delivered to Mr. Comptroller to whom the receipt of the money of the said lone was committed."

#### RELATING TO HARTGILL DECEASED.

(No. 63.) Last Will and Testament of Wm. Hartgill dated 12 January 1555, proved 13 Nov. 1557.

##### Will of William Hartgill.

"In the name of God amen, the xij<sup>th</sup> day of January in the yere of our Lord Jhu Christe a thousande fyve hundred fiftie and fyve, I William Hartgill of Kyllmyngton within the countye of Somersett Esquire thanckes be unto God whole of bodye and parfitte of remembraunce make and ordayn this my last will and testament in manner and fourme following. First; I geve and bequeath my soule to GOD ALLMIGHTI, Maker and Redemer of the universal worlde, and my bodye to be buried in suche holly buriall wheare as it shall please ALLMIGHTI GOD. Item I geve unto Joane my wife all her landes in Shaftesburye borow and Bristoll for the terme of her life. And also I geve unto her one hundred poundes in money parcell of the value of the money, corne, cattall and debtes that Charles Lord Stourton oweth and wrongfully keapeth from me, when and assone as the same may by lawe or otherwise be recovered of the saide Lorde or of his heires, executors or administrators. Item I will also that she doo remayn in my house whiche I now dwell in, in Kylmyngton, during the tyme of her widowhodde, or els in the next house therunto at her awne pleasure. Item of the same debts I doo geve to my sonne Thomas Hartgill xli<sup>ii</sup>



after the tyme of the same recoverye. Item I geve and bequeth unto the same Thomas the lease interest and all my title of my farme called the Woodes end in the parisshe of Mottecome within the county of Dorset. Item if the seid Thomas dye while George his sonne doo lyve or any other childe of his living betwene hym and Anne his wife whatsoever chaunce or myshap shall come to the saide Thomas; I will that the saide An, George and other his children one after other have and enjoy the lease of the same ferme during my yeres. And if it fortune them and every of them to dye within the space of the yeres of the said lease thenne I will that the same lease remayn to Edward my sonne during the same yeres. And if it happen hym to decease afore th'end of the same yeres then I wyll the remayndre therof be to John Hartgill and to Cutbert his sonne and to the children of the said John successively from th'one to th'other as they be of age. Item I geve and bequeath to the said Edward my sonne forty poundes parcell of the debts aforesaide in manner as is before declared to be paide. Item I geve and bequeath also to the said Edward all my right interest and title that I have in certayne grounde of medowe and pasture lying in Est Knoyll within the countie of Wiltes, whiche I holde also by lease for terme of yeres. And if the saide Edward fortune to dye afore the full determinacion of the said yeres, thenne I will the same lease remayn to the saide John Hartgill and Cuthberd his sonne and to the children of the saide John after their deceases in manner as is above declared. Item by thies presentes I doo geve and bequeath unto the saide John Hartgill and to Cutbert his sonne all other my goodes, cattalles and debtes above not geven and bequeathed, in whose handes soever any parcell therof doo remayn or shall happen to be by any meanes, the which John Hartgill and Cutbert Hartgill I doo make ordayn and constitute my true lawfull and hole executours, they to ordeyn and dispose all the saide goodes cattalles and debts, as by their discrecion shalbe thought most necessary at ther pleasures. In witnesse wherof I the above named William Hartgill have written this my present will and testament with myn awne hande and sealed the same with my seale the day and yere above written. And also I have subscribed my name to the same, By me WILLIAM HARTGILL OF KYLMYNGTON."

Proved the 13th day of November A.D. 1557 when a comission issued to Joan Hartgill the relict of the said deceased and to Dorothy Hartgill the relict of John Hartgill defunct, whiles he lived one of the executors in the said will named, to administer, &c., &c., &c.

An Inquisition of William Hartgill's lands, &c., was taken at Chard, co. Somerset, on the 11th September 1557 before Roger Walrond, Escheator. He was found to have been at his death seised in fee of a farm and capital messuage at Kilmington, and of 59 acres of land with common for 40 sheep, also of two messuages and 40 acres there held of the Crown in chief by service of the twentieth part of a Knight's fee, paying 4s. 5d. annual rent into the Exchequer. Also of a messuage and 52 acres with common called Barkesdale, in Norton in the parish of Kilmington held of

the heirs of Lord Ferrars.<sup>1</sup> Also of the Manor and 646 acres at Hardington, held of the Crown in chief: and of the Rectory and Advowson of the Vicarage of Milton Clevedon: Cuthbert Hartgill aged 10 years and more, son and heir of his deceased son John, was found to be the next heir of William Hartgill.

His widow Joan survived him little more than a twelvemonth. From the next letter she appears to have been sister to Laurence Hyde, grandfather of Edward Earl of Clarendon.

(No. 64.) 1558, Nov. 22. Laurence Hyde to Sir John Thynne. (*Original at Longleat.*)

"Myne humble dewtie remembred. \* \* I would now have wayted upon your worshippe according to your commaundement but all my folks be sieke, inso-muche as I have not one whole man to ryde with me, my boy ys sieke styll and hys nurce also. For so much as hit hath pleased God to place the Quene's Majestie (Q. Eliz.) in hyr seate I shall most humbly desyre you now to extend your goodnesse and save to *my syster Hartgill* that yet she may have the reversion of th'inheritance of Kylmyngton at the least in recompense. The sute is not great, I could by (buy) hit for CXL<sup>li</sup>, yf hit were to be sold. This would satisfie hyr and occasion all men to thynke that hyr Highnesse did a charitable dede. \* \* This I leave to trouble your worshippe any further at this tyme, wysshinge the contynuanee of your helth with increase of woorshippe. From Longleat the xxij<sup>th</sup> of November 1558.

"Your servant  
L. HYDE."

"To the Right Worshipfull and my singler good Master,  
Sir John Thynne, Knyght, at London, with spede."

THE LADY ANNE (STANLEY) WIDOW OF CHARLES, LORD STOURTON.

The widow of Lord Stourton was rather harshly dealt with: being made to pay for her deceased husband's goods which by his attainder had been forfeited to the Crown, and apparently had been already disposed of to some one else.

(No. 65.) Order of Council, Greenwich 20th April 1557.

"A lettre to Sir Hugh Powlet Kt., and the rest of the Comissioners for the sale of the late Lord Stourton's goodes, that where the Quene's Majestie is pleased that the said Ladie Sturton wief to the said Lord Sturton shall have the goodes of her saied husband, paieing for the same according to the rate of the valor thereof: they are willed to staie the said goodes from sale for the space of 10 days, by which tyme the said Lady promiseth to make ready mony to pay therefore, whereupon they are willed to deliver the said goodes unto her accordingly and to return the money received therefore according to their former comission."

<sup>1</sup> See above p. 265.

The wardship of the son and heir John Stourton, then only a child, fell in the first instance to the Crown; who, according to the second of the two following extracts from the "Book of Wards"<sup>1</sup> sold it to Sir Hugh Pawlet, Kt.

(No. 66.) Wardship of John, Lord Stourton.

1. "By force of Charles Lord Stourton's attainder, and for that at the tyme of his death he was seised of sundry manors, &c., in tayll to him and heirs of his body by sundry ancient covenants thereof made, of which manors some be holden of the King and Queen's Majesties by Knight's service in chief: therfor the wardship of John Lord Stourton, sonne and heyre of the said Lord is given to the King and Queen's Majesties: which said John Lord Stourton at the deth of his father, was of the age of 4 yeres and 2 monethes. And all said manors &c., be worth by yere £319 14s. 2½d."

2. "The wardship and maryage of John Lord Stourton, and for want of hym and hys next heyre male being within ayge, with one annuity of £20 yerely from the deathe of the father, untill the ward come to th'ayge of 10 yeres, and after the ayge of 10 yeres, with one annuitye of £40 yerely towards hys fynding untill he come to hys full ayge,

"In consideration of the prefarrement of the maryage graunted by the Quene's Majestie to S<sup>r</sup> Hugh Powlett, Knyghte, and for that the same S<sup>r</sup> Hugh hath byn at some charges in fynding of the office, and shall also content and satisfye John Welche and Humphrey Coles Esquyers for theyre charges and well taking-in about the same office, yt is therefore, the 13 day of Nov. 1557, solde to the seyd S<sup>r</sup> Hughe Powlett for the some of £340, wherof £40 to be payed at the sying out of the Letters Patent, and every feast of Easter and Hallotomas after, £50, till the whole be paid."

Against this arrangement the widow presented her petition to Queen Mary, praying that the disposal of her child might be given to herself. If that could not be granted, she would prefer Sir Hugh Pawlet to any other guardian.

(No. 67.) A.D. 1557.

"A brief of the Petitions of Dame Anne Stourton to be had to the Quene's Majestie." (*Original at Longleat.*)

"*Imprimis*, Where the said Ladie Stourton hath allredy lost her greatest comfort in this world her loving trew and faithfull husband.

Hit may please her Majestie, calling to her Highnes rememberans his approved truthe at all tymes towards her Majestie, to have compassion upon his Auncient howse, never before spotted in any capitall cryme.

*Secondarily*, That hit may seme unto her Highnes most convenient and naturall that the said Lady Stourton now comfortles, may have the educacion of her owen child her heyre and greatest comfortt now left, and of his lyvinge during his minoritie, standing assured in her consciens that her late husband wold not writt for the prefarment of S<sup>r</sup> Hugh Pawlet therein but next unto her (i.e. *excepting after her*) being naturall mother.

<sup>1</sup> Printed in Sir R. C. Hoare's *Modern Wilts*, last vol. Addenda, p. 10.



*Thirdly*, the said Lady Stourton, yf her frinds and fortune were not so happye to obtayne the prefarment of her sonne, she cold best content herself that Sir Hugh Pawlet should obteyn the same, bynding hymself to matche hym in his owen bludd and not to make marchaundize of hym: and the said Lady and her frends shalbe bound that her sonne shalbe alwaies forth comyng for th'accomplishment of suche mariage.

*Fourthly*, That the said Lady Stourton may, upon such bonds, have the educacion of her said sonne, being of the tender age of iiij<sup>or</sup> yeres, untill he be x yere old; and for the educacion and bringing up of hym and the rest of her six small children, and charges of their mariage, the said Lady only desireth the howse of Stourton in Wilts with all the demaynes and commodities thereunto belonging, with lease of the manor of Mere grauntyd to her late Husband, during the mynoritie of the said heire. In consideracion the house appoynted in the Ladie Stourton her Jointer is ruynous and standing in most corrupt heire (*air*), and the demeanes therof is all sett out for lyves, so that she hath no other howse to dwell and bring up her children in."

(*Endorsed*) "Ladie's Demandes of Queene Marie."

According to the Patent Rolls 4 and 5 Philip and Mary (1557) the Crown granted to her the person and marriage of her son.

The next document is the letter referred to above p. 283, as showing that Elizabeth (Dudley) wife of William, and mother of Charles, Lord Stourton, survived her son's execution.

(No. 68.) *Circa* A.D. 1560. Sir John Zouche \* to the Lord Robert Dudley.

"After my hartie comendacons to your very good Lordshippe. Pleasythe yt youre good Lordshippe to understand that the olde Lady Stourton, wife to the Lord William Stourton, is deseasede nowe of late, who helde of the Quene's Majestie for terme of her lyffe according to the customes of the manor of Gillingham certeyne customary landes within the seid manor, the reversion of the fee-symple of the seid lands belonging to Charles Lord Stourton and to his heirs according to the seid custome. The Lord Charles Stourton was atteynted of felonie in the lyffe of my lady hys mother wherby the fee-symple of the seyd customary lands are eschetide to the Quene's Majestie, as I understand. And because I know sute will be made to her Majestie for the seyd lands, whereby I might be prevented, the lands beinge of no greater valewe then xx<sup>li</sup> be the yere, or scaste (*scarce*) so muche, I shall desire your good lordshippe most harteley to be a humble suter to her Majestie in my behalfe that I maye have the prefermente of the seid lands, other to bye (either to buy) the fee symple or to have it in fee-farm paying her Majestie the rent, I beseche your good Lordshippe to travell for me in this and to send me your pleasure by this berer. I am the bolder to trouble your good Lordshippe because I take you to be one of my beste frendes and hym that I have moste truste in. If there be any service or pleasure I canne do youre Lordshippe I am at your commaundement as I have had good occasion. And thus I end wissheinge youe goode helthe with

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\* Sheriff of Wilts in 1558: mentioned above p. 306, note, as being the Steward of the Manor of Mere for the Crown in 1552.



much honour. From Gillingham Lodge the xix<sup>th</sup> daye of Auguste. By your poore Kynnsman and assured frend

“JOHN ZOUCHE.”

(Addressed) “To the right honorable and my very good lorde my lorde Robert Dudleye and Master of the Quene’s Majestie’s horse. Delyver this.”

In Phelps’s History of Somersetshire vol.i. p. 186 are (taken from No. 159 MS. in the Lambeth Library) two sets of ancient verses, the one called “Wordes that John Hartgylle spake before his Death;” and the other, “Ane Epitaphe upon the death of John Hartgyll:” but both compositions are purely fanciful, and they contain no information of the least use towards clearing up the history of the case.

In concluding this Memoir, the author would add only one remark. There are, he is very well aware, several points in the story left undetermined and imperfect: but without information how can it be otherwise? Even as it stands, almost the whole Memoir has been worked out with considerable difficulty from a number of dispersed documents, some found in one place, and some in another: and all written in singularly illegible hands, the best specimens of which are submitted to the reader in the two Facsimiles that accompany the Paper. Let the reader only try to decypher *those*, and the attempt will make him merciful.

“It is well,” says a writer in Blackwood’s Magazine<sup>1</sup> “that all of us should occasionally look into what are called the historian’s *authorities*, that we may know something of the difficulty of constructing a complete intelligible narrative. We should learn to excuse the historian when he is, here and there, at fault: we should learn not to expect perfect accuracy even in the most carefully constructed narrative.”

(Supplementary.)

CONTRACT OF MARRIAGE FOR CHARLES, LORD STOURTON.

The existence in print, of the following document relating to Charles Lord Stourton, was not recollected in time for its insertion in a more suitable part of this Memoir. It is a Marriage Contract

<sup>1</sup> No. DLIX., p. 642.

of the year 1528 (when he was quite a child, see above p. 277, note), or rather, a regular Bargain and Sale of the children of two great Wiltshire families, Stourton and Hungerford. Such contracts were at that period not uncommon, but a more business-like transaction than the present one has not been met with. Sir William Stourton the father sells to Sir Walter, afterwards Lord Hungerford of Heytesbury (beheaded 1540), the wardship of his two sons, *Charles* and Andrew, to the intent that one or other of them may marry any one of the three daughters of Sir W. Hungerford, Eleanor, Mary, or Anne. No such marriage however took place. The original document (of which, being very long, an Abstract only is given) was in the possession of Jacob, Earl of Radnor, and is printed at full length in the *Antiquarian Repertory*, vol. iv., p. 675.

(No. 69.) Abstract of Articles of Agreement about a Wardship, in order to a Marriage between the Families of Stourton and Hungerford. A.D. 1528.

“By Indenture dated April 4, 19 Hen. VIII. (1528), between Sir William Stourton, Kt., son and heir apparent of Edward Lord Stourton of the 1st part, and Walter Hungerford ‘Esquyer for the King’s Body,’ son and heir of Sir Edward Hungerford, Kt., deceased, of the other part.

Sir William Stourton grants to Sir W. H. the ward, custody and marriage of his son and heir *Charles* Stourton: to the intent that he shall marry one of the three daughters of Sir W. H., Eleanor, Mary, or Anne; whichever their Father shall appoint; such appointment to be made at Easter next ensuing, if the three daughters or any of them assent.

In case of *Charles* Stourton’s death before the marriage is complete, then Sir Walter Hungerford to have like ward, &c., of Andrew Stourton the second son, upon the same conditions.

Sir William Stourton to deliver *Charles* his eldest son to Sir W. Hungerford at Bonham, co. Somerset, on some day to be named by Sir W. Hungerford before Christmas next ensuing: and in the event of *Charles*’s death before marriage then Andrew to be delivered, within one month after *Charles*’s death shall be known. Andrew to be, at the time, ‘unmarried, unaffied, and uncontracted.’

For this bargain, Hungerford, or his Exors, to pay £800, as follows:

At Bonham, within 12 days after deliverance of *Charles*, £200, and on St. Andrew’s day 1529, between 10 and 12 o’clock, 100 marks. The like sum yearly for three following years and on the following St. Andrew’s Day £100. Then every year following £100, until the whole is paid.

In case of the Marriage not taking place through the refusal of the sons of Stourton, Sir W. Hungerford to pay no more money, and Sir William Stourton to refund whatever sums he should have received on account of it: and to refund them in like order and time as he had received them.

The first repayment to be on that day twelvemonth after the refusal: at Bonham, at same times as above specified for payment: and so on from year to year.

If Charles or Andrew die before marriage, or if the daughters refuse, or die before marriage, or if Sir William Stourton die, his heir being yet under age, in which case the wardship of him would lapse to the Crown; then Stourton to repay by like instalments as above all monies paid by Hungerford, except £100, and all covenants on Hungerford's part to cease.

Before the end of Hilary Term next ensuing Sir William Stourton to secure to the following Feoffees, Lord Mountague, Sir William Sandes Lord Sandes, Sir William West Lord Delawar, Sir John Zouch Lord Zouch, Sir John Bouchier, Kt., son and heir of Lord Fitzwarren, Sir Henry Wyatt, Kt., Sir Andrew Wyndesore, Kt., Sir John Rogers, Kt., William Ludlowe, John Bonham, Henry Whyte, Andrewe Lutterell, Esquires; and John Stanter, Thomas Banfield, gentlemen: £100 per an. in lands of fee simple clear of incumbrance, except chief rents and old rents reserved on leases granted by Edward Lord Stourton,\* Dame Agnes [Fauntleroy] his wife, or Sir William himself; to the following uses and intents, viz.:

That on the death of Sir William's father Edward, Lord Stourton, Sir Walter Hungerford shall take thereof £50 per an. for the 'finding' (maintenance) of the son and daughter to be married, until the son shall be 21 years of age. On his attaining 21, the said £50 per annum to go to the use of him and his wife, and their heirs male; with other remainders.

And after the death of Edward Lord Stourton and Dame Agnes his wife, Sir W. Hungerford to take the whole £100 per an. for the like 'finding,' subject to the same conditions.

And if after the death of Lord and Lady Stourton, Sir William's son, being married to W. H.'s daughter, shall die, then, the use of the £100 per annum to go to the said daughter: as before limited.

Sir William further agrees, that on the death of his parents and himself, the residue of his inheritance shall descend to the said son and daughter, and their heirs male: except £100 which shall be reserved for performance of *his* will: and also except 400 marks for a jointure to his widow.

Also, that within a year after the death of *his* father and mother he will assure to Feoffees £100 per annum clear in lands of fee-simple for the use of the son and wife, in allowance of her Dower.

Sir John Fitz-james, Chief Justice, to be arbiter in case of any dispute.

In the event of this marriage never taking place Lord Mountague and his Cofeoffees, to hold the lands assigned to them, to the use of Walter Hungerford until he shall be repaid whatever sums he has advanced in the prospect of it.

Sir William Stourton and Walter Hungerford, the two parties to the Deed, are mutually bound in the sum of 2000 marks sterling, to fulfil these conditions."

Since this Memoir was in type, another letter, from William Hartgill to Sir John Thynne, has been found at Longleat. It is, on one account, rather a valuable one, inasmuch as it fully corroborates the statement in the "Narrative" (above, p. 245) that Charles Stourton's attempt to compel his mother not to marry

\* Father of William, and grandfather of Charles, Lord Stourton.



again (in which Hartgill opposed him) was one of the principal causes of their falling out.

(No. 70.) 1548, 27 October. William Hartgill to Sir John Thynne. (*Orig. at Longleat.*)

"My bounden duety right lowly remembred. Yt may please you to be advertised that by my seryant I have received your kinde letters whiche I take greatly for my consolation: and as concerning my offices in the Holte and Bradely woods there ys a tall fellowe dayly walkinge to kepe the same whiche shall stande you in no penny charge and shall fulfill your comaundement to the utterest. And where as you wrytt to me that no man shall knowe who made informacon of Nycholas Fitz-james unfittinge words for your good will, I thanke you, but my meaninge ys no lesse but I wolde that all the worlde knewe that it ys my deade to sett fourthe the same, and I am able with honest recorde to approve the same to be as I firste to you dyd wryte in every poynte. Althowght my Lorde Stowrton, Horner and the most partye of the beste of the hearers of the matter do daily goo abowt to paynte the matter, yet the trewth wilbe proved at al tymes. I thinke you do take my Lorde Stowrton to be your lovinge frende, and so yt may be true, but there ys in hym but lyttell frendship shewed towards you or enny of yours, for I have herde my Lorde saye of your frendship he passiethe not so greatly as men thynketh. And as tuchyng the matter in varyance betwene my lord Stowrton and M<sup>rs</sup>. Ryce I have accordinge to your advertisement not medelled in it as yet. Furder, you shall understand that my L. Stowrton ys fallen at defyance with Mr. Ludlowe and me bycause we woll not falsley and most untreuly deseave my Lady his mother from all her right and tyle of porcion that shall cum to her by reason of my Lorde's (*William Lord Stourton's*) death and when I had caused my sayd Lady to goo from my howse against her will to Stourton to be onely at his mynde ordered, he devised Articles of his owen mynde in manner and fourme followinge. Firste, that she shoulde release unto hym all her titles, and that she shoulde ever remayne in his howse at his fyndinge, takinge by the yere one hundreth markes in mounney and not to be charged with man nor woman. If there were matters of variance betwene them impossible to be remedyed and peaced, then she to goo to his mannor of Caundell and to have two hundredth markes of monney erley by his handes, but yf she shoulde happen to marry or contract her to enny, man or boy, then the payment of the said two hundreth markes for ever to cease and no penny thereof to be payed after. And I tolde hym I had no learninge to frame so great a matter, and tolde hym I wolde not make yt withowt a clause of dystrese to be appoynted in serten lands for the trew payment of the same whatsoever should happen uppon hym, and then he defyed me false vyllaine, and sayed a fore my Lady, M<sup>res</sup>. Ludlowe and my wyfe that he found the report of my Lord's Grace" (*i.e. the Protector Somerset*) "to be very trew of me, for his Grace shewed hym that he should fynde me a false vyllaine as ever lyved, whiche words went very neare my harte. If I wyste that my Lord's Grace sayed so to hym then I wolde I were owt of this worlde, for I trust I never gave his Grace suche cause: my hole trust ys in you. Also I trust my Lord's Grace shall lyke well the proceedinge of your workes as touching your moynnars (*miners*), for in one place



by Yernfeld, in the common, they have searched abowt vj fadom depe, and they finde suche matter that they say shortely they shall fynde there other (*either*) tynne or els leade, withowt fayle: they be skylfull men and do apply their busines effectually and what your pleasure shalbe furder I pray you declare to this bearer. And thus I remayne all yours assured, as knowethe our Lord God who preserve your good worship with long lyfe. Wrytten in haste at Kylmyngeton the xxvij<sup>th</sup> of October 1548.

“Your man with servyse

WILLIAM HARTGYLL.”

“To the righte wourshipfull and my singuler good Master Sir John Thynne Knyghte be this delivered.”

(*Docketed*) “1548, From Mr. Hartgyll to my Mr.”

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*Corrections.*

Page 286, Document “No. 23” *should be dated* “1551.”

„ 287, line 24, after “letters notwithstanding” *insert* “that she would suffer no possession to be taken, but that if,” &c.

„ 288, line 8, for “£40,” read “£80.”

„ 304, before the last paragraph beginning “From these interrogatories,” *insert* “No. 38.”

„ 318, Document “No. 53” *should be* “No. 50.”

„ 324, *insert* “(No. 59)” before the Jury List.

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J. E. J.

